

1. The Issue: Traffic Cameras

(WSJ) Over 139 communities across the United States have speed-camera programs. The purpose of the programs is to enforce speeding laws and reduce accidents, while simultaneously freeing up police officers to address other public safety needs. Mobile or fixed cameras take a photograph of the license plates of speeding vehicles and a ticket is sent to the registered owner of the vehicle. Violators typically have a certain amount of time to appeal a decision on a set date.

Supporters argue that the programs are necessary to reduce traffic accidents and increase public safety. Opponents say it is a violation of civil liberties and serves as a money grab for city governments. **Where do you stand?**

Questions to address:

Do you support the use of traffic cameras?

Should evidence gathered by mobile cameras be permissible in court?

Does the use of traffic cameras in citing traffic violations honor due process laws?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

2. The Issue: The Hulk Hogan Sex Tape, Gawker, and Freedom of the Press

(NYT) In October 2012, the online news site Gawker posted an edited version of a sex tape featuring former WWE wrestler Hulk Hogan, also known as Terry Bollea, on its website. In the video, a fully naked Bollea is filmed having sex with Heather Clem, wife of Bollea's friend and radio host Bubba the Love Sponge, who's real name is Todd Clem.

In court, Bollea claimed he only participated in the act after the couple insisted he do so, and that he was depressed and gave in. He was unaware that the act was being filmed. Bollea has argued that his privacy was violated, that his personal life is not "newsworthy", that Gawker only published the video for financial gain, and the publication of the material has damaged his reputation personally and professionally. He is suing Gawker for damages.

Gawker has argued that it is their First Amendment protections of the press to publish the video and ruling against them could set dangerous precedent for investigative journalists in the future. They also argue that Hulk Hogan has boasted about his sexual exploits in radio interviews and thus his privacy was not violated. The National Enquirer has also argued that information and media that gathers attention is considered newsworthy, regardless of the content, and is protected under the Constitution. **Where do you stand?**

Questions to address:

Did Gawker violate Bollea's right to privacy?

Is information gathered about the sex life of a celebrity "newsworthy", or "for the good of the public", and thus protected under the First Amendment's freedom of the press?

Should published information or evidence that is personal or sensitive in nature, if gathered in secret, be protected under the First Amendment?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

3. The Issue: Pizza Gate and the Rise of Fake News Conspiracy

(ABC News) In early December, 2016, Edgar Maddison Welch walked into Comet Ping-Pong Pizza in Washington, D.C. and opened fire with an AR-15 semiautomatic rifle. Welch claimed he was there to investigate an alleged child sex-trafficking ring run by Hillary Clinton and her campaign manager, John Podesta. The rumored sex ring has commonly been referred to as “PizzaGate” on sites such as 4-chan, and has been heavily promoted as a true conspiracy on websites such as *Infowars* and *The Daily Stormer*.

Online users have retrieved images from Comet Ping-Pong Pizza’s Facebook page and from users who have “liked” the pizza establishment’s Facebook page. Users have then published those images with posts intending to create the impression that the people in the images are victims of the sex trafficking ring, or are participants in the conspiracy itself. The owners and employees of the restaurant have received death threats online and at their personal residences for their involvement in the conspiracy. Investigations by local and federal law enforcement have found absolutely no evidence of sex trafficking at Comet Ping-Pong.

Events such as this have prompted a discussion on regulation of “fake news” on the internet and what, if anything, should be limited, and what is protected under the First Amendment. **Where do you stand?**

Questions to address:

Should social media sites be able to regulate, censor, or restrict user-posted content that poses as “news” but is undeniably false?

Should the government have the authority to regulate internet websites such as Infowars that display false information that is presented as fact?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

4. The Issue: The Daily Stormer, Online Threats, and the First Amendment

(NYT) Richard Spencer is the president of the National Policy Institute and a self-identified white American nationalist. His mother, Sherry Spencer, owns a building in Whitefish, Montana and has said that her business has been suffering due to protests and boycotts from local residents who are opposed to the extreme views of her son, Richard.

To address this issue, Andrew Anglin, an online political commentator and self-described nationalist and “prolific internet troll”, published an article on the white-supremacist website *The Daily Stormer* filled with anti-Semitic slurs that called for “action” against the Jews of Whitefish. “So then, let’s hit em up. Are y’all ready for an old fashioned Troll Storm?” Anglin then published the phone numbers, addresses, email addresses, and Twitter handles of Whitefish residents allegedly boycotting Spencer’s business. The *Stormer* also posted images of several Whitefish residents, including a child, with a Yellow Star of David and the word “Jude” added to each photo.

Anglin argues that his post did not incite any type of violence and should be protected under the First Amendment. Others are saying the “action” he is advocating is not specific enough and want to hold him responsible for any violent actions taken against residents, or want the posts removed. **Where do you stand?**

Questions to address:

Should the speech or expressions of so-called “internet trolls” be protected under the First Amendment?

Should the government have the ability to censor, restrict, or regulate posts or websites such as ‘The Daily Stormer’ if they advocate for the harassment or harm of others?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

5. The Issue: Permissible Evidence, Search and Seizures in the age of cell phones

(Oyez) On August 2, 2009, David Leon Riley and members of the Lincoln Park Gang of San Diego, California, opened fire on a rival gang member driving past them. The shooters then departed the scene in Riley's Oldsmobile. On August 22, 2009, police officers pulled Riley over while driving a different car, citing he had expired license registration tags. Riley's license was already suspended at the time, so the car was impounded. California state law required impounded vehicles to be searched and inventory recorded to protect the personal property of the vehicle's owner and to protect the police department from liability.

While searching the vehicle, police discovered two illegal firearms and arrested Riley for possession of the weapons. Riley's cell phone was discovered while conducting a search of his person and detectives analyzed media of Riley displaying gang signs and other evidence of gang affiliation. Police then were able to tie Riley to the August 2nd shooting via ballistics tests and the testimony of a gang expert. Additional charges were filed on Riley for his involvement in the shooting.

Riley asked for all evidence obtained from his phone to be suppressed from trial as the evidence was collected during an illegal search. His motion was denied. **Where do you stand?**

Questions to address:

Was the evidence admitted at trial from Riley's cell phone discovered through a search that violated his Fourth Amendment right to be free from unreasonable searches?

If a cell phone is discovered on a suspect's person during a legal search, should law enforcement have the ability to search the phone for evidence related to the pursuance of a crime?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

6. The Issue: Voting Rights for Felons Convicted of “Infamous Crimes”

(Des Moines Register) In June of 2016, the Iowa Supreme Court upheld the state’s termination of voting rights for convicted felons, dismissing a woman’s plea who sued for her right to vote despite a conviction of a felony drug crime. The ruling stems from a lawsuit filed by Kelli Jo Griffin and the ACLU against Iowa Governor Terry Branstad and Secretary of State Paul Pate.

In 2008, Griffin was charged and convicted with distribution of cocaine, a Class-C felony. She completed her assigned probation in 2013 and afterwards registered to vote. That November her ballot was rejected on account of her prior felony conviction. Under Iowa Law, anyone convicted of an “infamous crime” loses their voting rights, and may only regain them upon petitioning the Governor, and receiving a pardon and restoration of the right. Griffin asked the courts to declare that her drug conviction was not the type of infamous crime that disqualified a person from voting, and asked for constitutional review.

The Iowa Supreme Court ruled 4-3 in conclusion that the Iowa constitution permits persons convicted of a felony to be disqualified from voting in Iowa under pardoned or otherwise restored the rights of citizenship. The Court chose to not define “infamous crime” at the time, and that a definition would be established over the evolution of public opinion in Iowa over generations. Branstad and Pate celebrated the decision, while the ACLU has stated that Iowa’s voter law violates the federal constitutional protections of suffrage.

Where do you stand?

Questions to address:

Should states have the ability to make decisions and/or laws regarding voting eligibility in their state?

Is the revocation of voting rights for committing a felony constitutional?

Can the state revoke the rights of the individual to vote in federal elections?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

7. The Issue: State laws banning abortion: Ohio's Fetal Heartbeat Bill

(Washington Post) The Ohio state legislature recently passed a law that would prohibit abortion if a fetal heartbeat could be detected during an ultrasound on the woman seeking the procedure. A heartbeat can be detected in a fetus at about the sixth week of pregnancy, and having the procedure despite detection of a heartbeat would be charged as a fifth-degree felony. The only exceptions for abortion in this case would be when a doctor declares it medically necessary in order to preserve the life or irreversible health of the mother.

Opponents to the bill say that many women are not aware they are pregnant at the sixth week of a pregnancy, and the law would also violate the viability standards set under other court cases. Opponents also say this violates the medical privacy of the woman. Supporters of the bill hail it as a protector of unborn life and see it as a pathway to overturning *Roe v. Wade* at the federal level. **Where do you stand?**

Questions to address:

Can states enact their own abortion regulations, if those laws run counter to federal law or Supreme Court decisions?

According to medical professionals, how is the first day of a pregnancy determined? How would this law alter that definition?

Is this law constitutional?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

8. The Issue: Trump's Muslim Registry

(ABC News) On the campaign trail, President-Elect Trump made statements advocating a system to identify people migrating to the United States from countries that have aided terrorist organizations. There is a lack of specifics, but officials in Trump's transition team and incoming administration have pointed to expanding upon systems already in place, such as the National Security Entry-Exit Registration System that was implemented after the 9/11 terrorist attacks.

There has also been discussion within the Trump campaign and the media about a so-called "Muslim Registry" that would require U.S. residents and citizens who identify as Muslim to register with the federal government. The purpose of this program has not been articulated by the Trump administration, although a transition team official cited Japanese internment as a possible model for meeting the goal of such a program. When asked about a program identifying people based on their religion, Trump did not give a specific answer on how it would be done, but said "We're going to have to look at a lot of things very closely. We're going to have to look at mosques. We're going to have to look very, very carefully".

The ACLU has said this is clearly unconstitutional, but legal scholars are mixed. Supreme Court precedent has fallen on both side of the issue. **Where do you stand?**

Questions to address:

Can the United States government set specific limits on who can migrate to the country based on characteristics such as race, ethnicity, gender, religion, or nationality? Can it require immigrants to register into a database if they qualify under certain characteristics?

Can the federal government detain individuals if they deem them to be a threat to the United States? What kind of proof would they need?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?

9. The Issue: Drones, Privacy, Property Rights, and Federalism

(Newsweek) Lawmakers across the nation are responding to controversies surrounding civilian drone use and the issue of privacy, property rights, and self-defense. Drones have been used to deliver pizzas, have been seen in operation dangerously close to departing commercial aircraft, and delivering marijuana and cocaine to prisons. Drones were also responsible for downing helicopters that were trying to put out wildfires in California and one drunken mishap has led to a drone crash landing on the White House lawn.

In Hillview, Kentucky, William Meredith was charged for criminal mischief and wanton endangerment when he shot down a neighbor's drone that was flying over his backyard. Meredith's 16 year old daughter and her friends were sunbathing in their backyard when the drone appeared. "You know, when you're on your own property, within a six-foot privacy fence, there is an expectation of privacy." The neighbors who were flying the drone have asked Meredith to replace it at its full cost of \$1,800. Meredith has refused.

The Federal Aviation Administration has ruled that it is a violation of federal law to shoot down any aircraft, including unmanned aircraft. This has limited state and local governments on what regulations they can issue regarding drone usage, privacy, and property rights. With corporations such as Amazon looking at the use of drones in the future, this will become a defining concern for legal scholars to interpret in coming years.

Where do you stand?

Questions to address:

Do civilians have the right to fly drones over the private property or households of other civilians?

Do individuals have the right to protect their private property from civilian drone surveillance, even if it involves causing irreversible damage to the drone?

What level of government should have the final authority on issuing regulations regarding private drone use?

What should happen if local or state governments violate federal government regulations on drone usage?

Position(s) Taken:

What constitutional evidence supports your position?

What court case decisions support your position? What quotes, findings, or evidence from the decision(s) supports your position?