ALABAMA JUSTICE: CASES AND FACES THAT CHANGED A NATION
CONSTITUTIONAL ISSUES CURRICULUM:

**Freedom of Association**

**Persistent Issue:** What actions are justified in the interest of the welfare or security of the community?

**Central Question:** When would the government be justified in demanding membership lists from an organization?

**Curriculum:**
For similar curriculum, email Dr. Jada Kohlmeier, kohlmjl@auburn.edu, about becoming a member of the Persistent Issues in History Network of teachers.

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Supreme Court: Freedom of Association Unit

Persistent Issue
What actions are justified in the interest of the welfare or security of the community?

Central Question
When would the government be justified in demanding membership lists from an organization?

Overview
In this unit, students will explore freedom of association in two Supreme Court cases and then apply those cases to a modern instance of surveillance in Mosques.

Unit Components
Lesson 1: Grabber

Lesson 2: Freedom of Association Response Groups

Lesson 3: Culminating Activity
Lesson 1: Grabber

Estimated Lesson Time: 10 minutes

Persistent Issue: What actions are justified in the interest of the welfare or security of the community?

Lesson Materials:
- Student Handout 1: School Policy T-Chart

Lesson Narrative: The teacher will pass out Student Handout 1 to the students. Students will read the school policy scenario and answer the posed question using the T-Chart with 3-4 reasons supporting why students should give the student names to the school administration (“yes”) and 3-4 reasons as to why students should not give names to the principal. Students may complete this activity independently or with a partner at teacher discretion. After providing students time to complete the handout, the teacher should then lead the class in a whole group discussion exploring the pros and cons of being forced to provide the names of students using substances under age at a party and the consequences of this for the individual and the school.
Freedom of Association Unit
Lesson 1: Student Handout 1
School Policy T-Chart

Directions: Read the scenario below. Using the T-Chart, write 3-4 reasons under YES and 3-4 reasons under NO answering the scenario question.

Scenario: On a Saturday night, you are at a party with about 60 teenagers. There are some people using marijuana and drinking alcohol. You are a member of an extra-curricular group affiliated with the school (think sports team, band, debate team, etc.) whose coach/sponsor has said there is a “no substance abuse policy” that includes “guilt by association.” On Monday morning, the principal and teachers hear about the party and start pulling students into the office asking for a list of names of students at the party. Should the students pulled into the principal’s office be required to provide the names of all the students who attended the Saturday night party?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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Supreme Court: Freedom of Association Unit
Lesson 2: Freedom of Association Response Groups

Estimated Lesson Time: 90 Minutes (including grabber)

Persistent Issue
What actions are justified in the interest of the welfare or security of the community?

Central Question
When would the government be justified in demanding membership lists from an organization?

Lesson Focus Questions: When should the government be able to demand a membership list of an organization?

Lesson Objectives:
1. Students will describe the constitutional language used to argue “freedom of association” is implied in the Constitution.
2. Students will list arguments for and against the government demanding membership lists in two Supreme Court cases.
3. Students will write legal rulings on the two Supreme Court cases using legal reasoning.
4. Students will apply case precedent and argue for similarities and differences between the two Supreme Court cases.
5. Students will record the final rulings on the two cases for use in the culminating activity.

Lesson Materials:
- PowerPoint 2: Freedom of Association
- Student Handout 2.C: NAACP v Alabama, 1958

Lesson Narrative:
PRIOR TO BEGINNING LESSON: After concluding grabber lesson, teacher should place students in mixed ability groups of 3 or 5, an odd number is necessary as students will be acting as the Supreme Court. Students should have the ability to clearly see the front PowerPoint display by turning their heads to the side as they will have a series of cases/questions to answer within their group in addition to participating in a whole-class discussion.

LESSON: Teacher should introduce both the persistent issue and central question before explaining that in this lesson student groups will be members of the Supreme Court presiding over two cases with individual constitutional questions to determine when the government should be able to demand membership lists of an organization.

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Begin the lesson by asking students to consider the 1st Amendment not listing “freedom of association” but Tocqueville recognizing its critical nature to a healthy democracy. Stress why the ability to join together with like-minded individuals is so critical to bringing about change. The government is not afraid of an individual – as one you are powerless. You become more powerful when you band together with others to affect change. Provide Student Handout 2.A to grouped students for the response activity. Prompt students to look at Discussion Topic 1 on Student Handout 2.A. Have students debate the pros/cons of allowing the government to limit our freedom of association. For example, you could mention governments calling on tech companies to limit the use of social media by white nationalist groups or terrorist organizations or ask should certain online websites be shut down. Have students think about “freedom of association” as it pertains to political groups. Where should the line be drawn? Have students record their arguments for and against government limits on their handout.

Student groups will now become Supreme Court Justices. The teacher should pass out Student Handout 2.B to student groups which describes the Supreme Court Case that pitted the State of New York against the KKK. The case background includes the State of New York wanting the membership lists of organizations in order to monitor them but excluded Civil War veterans groups and labor unions so the KKK sued on grounds of discrimination. The question facing the Supreme Court is whether or not the government should be allowed to demand and require membership lists of organizations. The students should debate this situation finding arguments for and against the government’s ability to demand these membership lists. The teacher should have the student groups decide the case as the Supreme Court and record their answers on Student Handout 2.A. The teacher should lead a class discussion exploring the pros and cons of allowing the government to demand these membership lists. Prompt students with questions such as how would this hurt or help our democracy and what long-term implications could it have? Reveal the ruling of the Supreme Court in 1928. Have students record the ruling as well as the three components of the 14th Amendment the ruling addressed on Student Handout 2.A.

The second case students will decide is NAACP v Alabama, 1958. Pass out Student Handout 2.C to the student groups that provides students with more detailed contextual information on the NAACP and their activities in Alabama for the Civil Rights Movement during the 1950’s. Prompt students to compare and contrast this case with the prior one – how are they similar and different? Have students deliberate in their small groups how they as the Supreme Court will rule on this case. Student groups should record all answers on Student Handout 2.A. Additionally; have students compare/contrast the three aspects of the 14th Amendment between the two cases. Reveal the actual ruling of the Supreme Court in 1958. Have students record the ruling as well as the three components of the 14th Amendment the ruling addressed.
Freedom of Association Unit
Lesson 2: PowerPoint 2
Freedom of Association

Amendment 1
The U.S. Constitution does not say anything specific about freedom of association, only the rights to assembly and petition.
"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."

Association?
“The most natural right of man, after that of acting on his own, is that of combining his efforts with those of his fellows and acting together. Therefore, the right of association… is almost as inalienable as individual liberty.” — Alexis de Tocqueville.
Should freedom of association be considered a natural right?
Is it assumed to be included in the first amendment?

Should the government be able to limit freedom of association?

New York ex Rel. Bryant v. Zimmerman
1. Read case background.
2. Analyze language of 14th amendment and apply to the case.
3. How would you rule? Why?

New York ex Rel. Bryant v. Zimmerman
• Ruling: Government CAN require membership lists.
• Membership in secret organization not privilege guaranteed to citizens.
• Not denied due process: New York employed "reasonable regulations calculated to confine their purposes and activities within limits which are consistent with the rights of others and the public welfare."
• New York can discriminate between KKK and other fraternal/labor organizations because KKK known to use terror.

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Freedom of Association Unit
Lesson 2: PowerPoint 2 (Continued)
Freedom of Association

NAACP v Alabama
• Read background of NAACP and civil rights victories in Alabama.
• Complete the arguments for and against requiring the NAACP to turn over its list.
• Make your ruling supported with legal reasons.

NAACP wins case
• Privilege: difference between corporation and advocacy group – Alabama law was for corporations, not advocacy groups
• Due Process: private association with organizations dedicated to the "advancement of beliefs and ideas" fundamental to due process clause
• Equal Protection: Members must be able to freely associate in a law-abiding society – disclosing membership with destroy this freedom

NAACP v Alabama
• Creates precedent for “freedom of association” in case law.
• Court says private association fundamental to 1st and 14th amendments
Freedom of Association Unit  
Lesson 2: Student Handout 2A  
Freedom of Association Response Groups

Discussion Topic 1: Should the government be able to limit freedom of association?

<table>
<thead>
<tr>
<th>Yes Reasons</th>
<th>No Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1.</td>
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<tr>
<td>2.</td>
<td>2.</td>
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<tr>
<td>3.</td>
<td>3.</td>
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New York ex Rel. Bryant v Zimmerman, 1928
Discussion Topic 2: Should the state of New York be able to obtain the KKK's membership list? (Look at the text of the first and fourteenth amendments. How would each side use those amendments to make their arguments?)

<table>
<thead>
<tr>
<th>Arguments for the State</th>
<th>Arguments for the KKK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privileges &amp; Immunities</td>
<td>Privileges &amp; Immunities</td>
</tr>
<tr>
<td>Due Process</td>
<td>Due Process</td>
</tr>
<tr>
<td>Equal Protection</td>
<td>Equal Protection</td>
</tr>
</tbody>
</table>

What is your decision as the Supreme Court? Address each of the three components of the 14th Amendment:
1.
2.
3.

What was the ruling of the Supreme Court in 1928?
1.
2.
3.
Freedom of Association Unit
Lesson 2: Student Handout 2.A (Continued)
Freedom of Association Response Groups

NAACP v Alabama, 1958
Discussion Topic 3: Should the state of Alabama be able to obtain the NAACP’s membership list?

<table>
<thead>
<tr>
<th>Yes Reasons</th>
<th>No Reasons</th>
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<tbody>
<tr>
<td>1.</td>
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<td>3.</td>
<td>3.</td>
</tr>
</tbody>
</table>

How is this case similar/different from the New York ex Rel. Bryant v Zimmerman case?

Should these groups be treated the same or differently? Explain.

How would this catch match or differ in the use of the 14th Amendment from the 1928 case?
- Privileges & Immunities
- Due Process
- Equal Protection

What is your decision as the Supreme Court on NAACP v Alabama, 1958? Provide three reasons for your decision citing Constitutional or case precedent. Additionally, explain how your ruling upholds or overturns the precedent established in New York ex Rel. Bryant v Zimmerman, 1928, and your reasons for doing so.
Freedom of Association Unit
Lesson 2: Student Handout 2.A (Continued)
Freedom of Association Response Groups

What was the ruling of the Supreme Court in 1928?

1.

2.

3.
Freedom of Association Unit
Lesson 2: Student Handout 2.B
New York ex Rel. Bryant v Zimmerman, 1928

New York in the 1920s had almost six million residents. It was becoming an international hub of commerce and manufacturing. Immigrants entering through Ellis Island as well as by railroad led the city to grow, economically and culturally. Along with Eastern Europeans, Irish, Italian, and Japanese Immigrants, nearly 200,000 African Americans moved to New York in the 1920s. The lure was jobs and a better life in the economic capital of America. This growth had many benefits: the economy was booming, New York was becoming more diverse and multicultural, and New York was also becoming more globalized. There were downsides as well: White Americans were feeling their traditions were being diluted and competing with immigrants for jobs, and the city was becoming crowded.

The Ku Klux Klan re-emerged after WWI after being re-founded on Stone Mountain, Georgia. In order to gain dues paying membership, the group became rabidly anti-Black, anti-immigrant, and anti-Catholic. With as many as six million members across, this “second Klan” focused on all immigrants. It was easy for the Klan to blame the new immigrants for problems that Americans were facing at the time. These issues included immigration, urban crime, and threats of socialism. Leaders of the KKK accused Jewish immigrants from Eastern Europe of promoting socialism, they accused Catholics for widespread political corruption, and blamed Romanians for polluting the nation’s morals. All were equally guilty of stealing American jobs. Besides vigilante violence during nigh tiding terrorist activity, lobbying was a strategy used by the Klan. The KKK played a strong role in the Immigration Act of 1924. The Klan was able to manipulate public opinion through the media to believe that the United States was virtually under siege.

In the 1920s, New York introduced a new law that required an organization that 1) had more than twenty people and 2) required an oath as a condition of membership, to submit a listing of its officers as well as members to state officials. However, this law exempted certain groups, such as labor unions and Civil War veteran’s groups. The Klan promptly accused New York of discriminating against and targeting the KKK. New York argued on the side of community welfare and the economy. In order to continue to grow, New York needed people, and people needed a reason to go. It is also a deterrent when there is a threat of violence, and the KKK posed a threat to many different ethnic groups. Inciting crime, disturbing the public peace, or endangering groups of people is counterproductive to the goals of New York.

The KKK argued for the right to association. The Klan was growing and accomplishing its goals. Giving up the KKK membership list to the government and the public would threaten not only the Klan’s objectives, but it is a slippery slope to infringing on the First Amendment rights of its members.

- **Ku Klux Klan**: secret society advocating white supremacy.
- **Vigilante**: when a private citizen takes it upon himself or herself to punish someone for a perceived crime instead of going through the police and legal system, such as a trial. Often involves public hangings and mutilation to send a message of terror and deterrence.
- **Lobbying**: seek to influence a politician or public official on an issue.
- **Immigration Act of 1924**: The Immigration Act of 1924 limited the number of immigrants allowed entry into the United States through a national origins quota. It completely excluded immigrants from Asia and heavily reduced immigrants from eastern and southern Europe in favor of northern and western European immigrants.
- **Welfare**: the health, happiness, and fortunes of a person or group.
Freedom of Association Unit
Lesson 2: Student Handout 2.B (Continued)
New York ex Rel. Bryant v Zimmerman, 1928

First Amendment: 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.

Fourteenth Amendment: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Does requiring the KKK to give up its’ membership role violate the:
  - privileges and immunities of citizens?
  - deprive the members of due process of law?
  - deprive the members equal protection of the laws?
Freedom of Association Unit
Lesson 2: Student Handout 2.C
NAACP v Alabama, 1958

The NAACP had successfully chipped away at segregation laws in the 1950’s. They had won a major Supreme Court ruling in Brown v Board of Education, which declared separate equal facilities are inherently unconstitutional. They had provided legal counsel to Rosa Parks (Fred Gray) during her trial for violating the bus seating policies. They knew about the bus boycott but did not actively organize it. They recruited and provided legal counsel to Autherine Lucy in her application to the University of Alabama.

The Attorney General for Alabama, John Patterson, argued the NAACP was responsible for the Montgomery Bus Boycott, which was going into its seventh month, and had encouraged and even paid African Americans like Autherine Lucy to test the University of Alabama’s whites-only admission policy. These actions, Patterson contended, have “resulted in violations of our laws and tend in many instances to create a breach of peace.”

The federal judge who would hear this case, Thomas Good Jones, was a well-respected jurist and was a close associate of Attorney General Patterson. Both had fought and dismantled the corrupt political system run by the mob in Phenix City, Alabama. However, Judge Jones wrote a weekly column for the Montgomery Advertiser (newspaper) of his own personal views. In his March 4, 1957, column, entitled “I Speak for the White Race”, Jones declared, “[A] massive campaign… of propaganda is now being directed against the white race, particularly by those who envy its glory and greatness. Because our people have pride of race, we are denounced as bigoted… by those who wish an impure mixed breed.” He concluded that column by encouraging his readers to both “stand up in honor and glory with a just pride in the race’s achievements,” and to join him in “maintain[ing] at any and all sacrifice the purity of our blood strain and race.”

Patterson knew it would be difficult to prove the NAACP had orchestrated these integration efforts, so he turned to an Alabama law the NAACP had clearly violated. The state required all out-of-state corporations wishing to do business in Alabama to, among other things, file a copy of their corporate charter with state officials, establish a formal place of business, and designate an agent to act on its behalf. The NAACP was incorporated in New York in 1911, and had a presence in Alabama as early as 1918, opening a regional office in Birmingham in 1951. However, never during its entire time in Alabama had the NAACP filed the proper documentation or paid the registration fees required by law to conduct business within the state because, as a non-profit organization, it did not believe it was required to.

Patterson filed an injunction with Judge Jones requesting the NAACP immediately cease activities in the state. The Judge agreed but also gave the organization two weeks to provide state officials with information on all field offices within Alabama, a year’s worth of bank statements and canceled checks, letters and other correspondence dealing with the Montgomery Bus Boycott and the integration of the University of Alabama,
names of contributors, property records, and a list of the names and addresses of all of its members in Alabama. The NAACP scrambled to pull together all the requested legal documentation but refused to hand over the membership lists. They feared their members would face public ridicule, loss of jobs, and possibly physical harm (even death) if their membership became known. Judge Jones held the organization in contempt of court and fined them $100,000, an amount that would cripple the organization. The NAACP appealed to the Alabama Supreme Court, which ruled in favor of Attorney General Patterson. The NAACP then appealed to the U.S. Supreme Court.

You are the U.S. Supreme Court. How will you decide this case? Consider your decision in the New York ex Rel. Bryant v Zimmerman, 1928 case. Will you uphold precedent or rule differently? What are the similarities and differences between the organizations? Should they be treated the same or not? Why?
Supreme Court: Freedom of Association Unit
Lesson 3: Culminating Activity

**Estimated Lesson Time:** 90 Minutes

**Persistent Issue**
What actions are justified in the interest of the welfare or security of the community?

**Central Question**
When would the government be justified in demanding membership lists from an organization?

**Lesson Focus Questions:** Should the government be able to demand membership lists of Mosques?

**Lesson Objectives:**
1. Students will apply case precedent from the previous lesson to create arguments for and against the lesson focus question.
2. Students will list arguments for and against the government demanding membership lists of an organization, for the purpose of this lesson a mosque.
3. Students will argue a position using legal and ethical reasoning to answer the question.

**Lesson Materials:**
- Video Clip 3: Donald Trump Clarifies His Comments on a Muslim Registry Here in the States (https://www.youtube.com/watch?v=kH0s4bd803Q)
- Teacher Handout 3: NYPD Mosque Surveillance Discussion Guide
- Student Handout 3.A: NYPD Mosque Surveillance Background
- Student Handout 3.B: NYPD Mosque Surveillance Guided Questions
- Student Handout 3.C: Final Assignment Guide
- Student Handout 3.D: Final Assignment Rubric

**Lesson Narrative:**
PRIOR TO THE LESSON: The teacher should break students into small groups of 3-5 mixed ability members. An odd number of students is needed as students will once again take on the role of Supreme Court justices.

LESSON: To establish relevance of the culminating activity, the teacher should show students Video Clip 3, an interview segment of Donald Trump prior to the 2016 Presidential Election in which Trump is asked by an interviewer about a Muslim database. After showing the clip, the teacher should engage students in a whole class discussion with the following questions:

1. Do you think mosques should be required to give the government their membership lists?
2. Would the public support such an action? Why/Why not?
3. How would freedom of association play into the surveillance of Muslims? Could this apply to other groups as well?

Closing the whole class discussion, the teacher should tie in previous cases discussed in Lesson 2 of this unit and explain to students that they are once again members of the Supreme Court now are deciding if the NYPD should be able to demand membership lists from Islamic mosques.

The teacher should pass out Student Handout 3.A: NYPD Mosque Surveillance Background, and Student Handout 3.B: NYPD Mosque Surveillance Guided Questions, to the groups. After allowing groups time to work through the material by reading and answering questions, the teacher should lead a whole-class discussion using Teacher Handout 3: NYPD Mosque Surveillance Discussion Guide.

Once the teacher and students have discussed the issue, the teacher should direct students to break out of their small groups. The teacher should pass out Student Handout 3.C: Final Assignment Guide and Student Handout 3.D: Final Assignment Rubric to students and direct them that as individual Supreme Court justices they are to write their personal decision as if this case came before the court answering the Lesson Focus Question: Should the government be able to obtain membership lists of Mosques?
Freedom of Association Unit
Lesson 3: Teacher Handout 3
NYPD Mosque Surveillance Discussion Guide

- Why is freedom of association so important to a democracy?
- When should the government be able to limit this freedom?
- Would the surveillance of Mosques fit into justifiable limits to freedom of association? Why or why not?
- If we don’t allow the NYPD to investigate membership in mosques, would the government also protect potential criminals involved in groups such as the KKK? Why or why not?
- What expectations of privacy should individuals have in organizations?
- When should those expectations be limited?
- The NYPD in their investigations of Muslim communities took pictures of attendance registrations at Mosques. Is that a violation of freedom of association? Why or why not?
- Do you believe the NYPD had adequate justification for their investigation? Why or why not?
- What if the police wanted to do the same investigation of a different organization if a school shooter was found to belong to one such as a religious organization, country club, or other social organization?
- What about membership of white supremacist groups? Should the government be able to demand those lists? Why or why not?
- How would you rule if this case went to the Supreme Court? Why? What constitutional and/or ethical reasons would you use?
**Freedom of Association Unit**

**Lesson 3: Student Handout 3.A**

**New York Police Department (NYPD) Mosque Surveillance Background**

NYPD surveillance of political groups is ongoing. But after September 11, 2001, the NYPD fixed its attention on American Muslims. While the methods were reminiscent of prior incarnations of NYPD spying, here the police uniquely focused on religion and religious practice. For example, the NYPD took special interest in signs of Muslim religiosity and actively implemented a surveillance program guided by a deeply flawed theory of Muslim “radicalization.” As a result, NYPD agents documented how many times a day Muslim students prayed during a university whitewater rafting trip, which Egyptian businesses shut their doors for daily prayers, which restaurants played Al Jazeera, and which Newark businesses sold halal products and alcohol. Not only did the NYPD single out American Muslims for surveillance, but officers found every facet of American Muslim religiosity and outward practice of Islam – whether Sunni or Shi’a - worthy of exceptional scrutiny. Further, where the NYPD was spying in Arab neighborhoods with sizeable populations of Syrian Jews and Egyptian Christians, the intelligence unit explicitly focused on the Muslim populations.

Thus, NYPD sketched a detailed picture of the American Muslim community throughout New York City’s five boroughs and beyond, in New Jersey, Connecticut, and Pennsylvania. They sent undercover officers, whom they called “rakers,” into identified neighborhoods to isolate what the NYPD called “hot-spots:” restaurants, cafes, halal meat shops, and hookah bars. Capitalizing on their ability to recruit a diverse force with diverse language capabilities, the NYPD was able to send officers with various ethnic and

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2 Radicalization: the action or process of causing someone to adopt radical positions on political or social issues.
3 Al Jazeera: An Arabic news agency owned by the Qatar government.
4 Halal: Food, especially meat products, which are produced by guidelines of Islamic law.
5 Sunni: Sunni Muslims regard their denomination as the mainstream and traditionalist branch of Islam.
6 Shi’a: The minority branch of the Muslim community.
Freedom of Association Unit
Lesson 3: Student Handout 3.A (Continued)
New York Police Department (NYPD) Mosque Surveillance Background

linguistic backgrounds into communities, matching them accordingly. Undercover Pakistani officers were sent into Pakistani communities and Arab-speaking officers were dispatched into the Egyptian community to “listen to neighborhood gossip” and get an overall “feel for the community.” They were instructed to visit schools and interact with business owners and patrons to “gauge sentiment.” They identified locations where community members socialize (coffee shops, hookah bars) and participated in community cricket matches and student trips.

Blending into every facet of their assigned neighborhoods, rakers discreetly set-up “listening posts” and observed everything from idle chatter after community praters to the type of pizza and Arab-owned pizzeria served. At the end of the day, the NYPD officers were instructed to record every detail of what they heard, individuals they spoke with, and community happenings in a daily activity report. They NYPD also employed “crawlers” who were informants tasked with infiltrating mosques and religious events, recording what the imam\(^7\) of congregants\(^8\) say, or photographing lists of attendees. Finally, NYPD handlers instructed informants to engage with the Muslim community members and employ a tactic dubbed “create and capture,” where the informant would try to start a conversation about terrorism or another controversial topic, record the response elicited, and share it with the NYPD.

Places of worship are the prime focus of the NYPD Intelligence Division’s attention. The Demographics Unit mapped, photographed, or infiltrated at least 250 mosques in New York City and its surrounding areas. The NYPD deemed these places of worship “hot spots,” with any activity in or around the mosques meriting surveillance. As a result, attendance at mosque – a religious duty for many Muslims – has become tantamount\(^9\) to placing oneself on law enforcement’s radar. The often-visible presence of NYPD surveillance at many mosques has founded an assumption within the American

\(^7\) Imam: A person who leads prayers in a mosque.
\(^8\) Congregant: A member of a congregation, especially that of a church or synagogue.
\(^9\) Tantamount: Equivalent in value, significance, or effect.
Freedom of Association Unit
Lesson 3: Student Handout 3.A (Continued)
New York Police Department (NYPD) Mosque Surveillance Background

Muslim community that every mosque in New York City is subject to some form of surveillance. Religious leaders noted that congregants are acutely aware of the surveillance of their mosques, and may be chilled from attending services.
Freedom of Association Unit
Lesson 3: Student Handout 3.B
NYPD Mosque Surveillance Guided Questions

Directions: Read the questions and answer them in complete sentences.

1. What was the major event that caused the NYPD to focus on Muslim communities? Why is that event significant?

2. What does the NYPD fear of Muslim communities? Do you think it is a justified fear? Why or why not?

3. How did the NYPD gather information?

4. If you are/or were Muslim, how would you feel about the NYPD investigation? Why?

5. If you found out police were conducting investigations at a place of worship you or a close friend attended, how would you feel? Why?

6. Do you believe mosques should be put under surveillance? Why or why not?

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Freedom of Association Unit  
Lesson 3: Student Handout 3.B (Continued)  
NYPD Mosque Surveillance Guided Questions

7. Comparing this case study to the previous cases of the KKK and NAACP, what is different/similar? Are the Muslims 14th Amendment rights being violated in these three components:
   - Privileges and immunities?
   - Due process of law?
   - Equal protection?

8. Do you believe Muslim religious freed of association was violated? Why or why not? Provide at least three legal and ethical arguments to defend your position.
Freedom of Association Unit
Lesson 3: Student Handout 3.C
Final Assignment Guide

Should the police be able to demand membership lists of Mosques?

Case Precedent (Use 1st and 14th Amendment language):
• Tocqueville’s Democracy in America (1835 and 1840)
• New York ex. Rel Bryant v Zimmerman, 1928
• NAACP v Alabama, 1958
• NYPD surveillance of Mosques

Using your materials from the previous cases, make a decision as a Supreme Court justice on this question: **Should the NYPD be allowed to obtain membership lists of Mosques?**

• Paragraph 1: Explain the history of freedom of association, where it is and is not in the Constitution, and why it is important for a democracy. Explain the historical challenges to when the government wants to know more about membership of organizations and why organizations do not want to give this information to the government.
• Paragraph 2: Argue the government should monitor membership in Mosques defending this position with legal and ethical reasons.
• Paragraph 3: Argue the government should **NOT** monitor membership in Mosques defending this position with legal and ethical reasons.
• Paragraph 4: How would you rule on this case? Make your ruling. Provide at least three strong Constitutional reasons citing aspects of the 14th Amendment, case precedent, and ethics.
**Surveillance of Mosques Decision Rubric**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Exemplary = 5</th>
<th>Competent = 3</th>
<th>Limited = 1</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paragraph 1 Detailed history of previous cases.</td>
<td>Cites two previous cases. Gives historical context. Shows nuanced differences between KKK and NAACP cases. Connects previous cases to Mosque surveillance.</td>
<td>Cites one case and competently explains reasons for and against monitoring the specific groups. Makes loose connections to Mosque surveillance.</td>
<td>Fails to explain significance of cases or how they connect to the Mosque surveillance.</td>
<td></td>
</tr>
<tr>
<td>Paragraph 2 Clear position</td>
<td>Clear position, logical argument, historically possible.</td>
<td>Position is mostly clear and logical but has some inconsistencies.</td>
<td>Position is unclear, implausible, or inconsistent.</td>
<td></td>
</tr>
<tr>
<td>Paragraph 2 Use of evidence</td>
<td>Has more than the minimum # of facts and facts fit well with reasons.</td>
<td>Has minimum # of facts and they fit well with reasons.</td>
<td>Does not have minimum # of facts and facts seem chosen at random.</td>
<td></td>
</tr>
<tr>
<td>Paragraph 3 Clear position</td>
<td>Clear position, logical argument, historically possible.</td>
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<td>Position is unclear, implausible, or inconsistent.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Paragraph 4 Use of precedence</td>
<td>Explains nuanced connections between previous cases and Mosque surveillance.</td>
<td>Explains basic connections between previous cases and Mosque surveillance.</td>
<td>Does not connect previous cases to Mosque surveillance.</td>
<td></td>
</tr>
<tr>
<td>Clear &amp; Persuasive</td>
<td>Decision persuades the reader to take their side.</td>
<td>Decision is somewhat convincing but leaves reader hanging.</td>
<td>Decision is unconvincing.</td>
<td></td>
</tr>
<tr>
<td>Grammar, Mechanics</td>
<td>Spelling, punctuation, and conventions are accurate.</td>
<td>A few minor mistakes in spelling or conventions.</td>
<td>Spelling and convention mistakes are distracting.</td>
<td></td>
</tr>
<tr>
<td>Organization</td>
<td>Decision follows the assigned organization and goes beyond minimum expectations.</td>
<td>Decision follows directions but merely meets requirements.</td>
<td>Decision does not follow directions for organization and does not meet minimum standards.</td>
<td></td>
</tr>
</tbody>
</table>

Name _________________________ Total Score _________/50

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