

2026 Youth Security Forum Discussion Questions

Spying, Surveillance, and the Constitution: From the Culper Ring to the Digital Age

Purpose for Student Discussion

These questions are designed to help students see espionage not as a side story of the Revolution, but as part of the lived experience that shaped American thinking about government power, treason, liberty, military necessity, and limits on state authority.

The first scenario should invite students to see espionage not as a side story of the Revolution, but as part of the lived experience that shaped the Founders' later thinking about government power, treason, liberty, military necessity, and limits on state authority. The Culper Ring provides a powerful bridge between wartime necessity and the later constitutional commitment to limited government, accountability, and individual rights.

The constitutional bridge is that, after the war, the Constitution gave Congress national defense powers, made the President Commander in Chief, defined treason carefully, and later added the Bill of Rights to prevent misconstruction or abuse of federal power.

Student Discussion #1 — The Culper Ring and the Birth of American Intelligence

Scenario 1: “The Tavern, the Spy Ring, and the Birth of a Nation”

Time period: New York City, 1779.

You are 18 years old and working in your family’s tavern in British-occupied New York. Every night, your tables are filled with British officers, Loyalist merchants, Patriot sympathizers, dockworkers, printers, smugglers, and neighbors who have known your family for years. Everyone is watching everyone. A careless word can get someone arrested. A whispered rumor can change the course of the war.

One evening, a trusted customer pulls you aside and tells you he works with a secret Patriot intelligence network: the Culper Ring. General George Washington needs ordinary people inside occupied New York to listen, observe, copy troop movements, pass coded messages, and help move intelligence out of the city. You are not being asked to fight with a musket. You are being asked to become invisible.

The request feels both thrilling and terrifying. You believe the colonies have a real grievance: taxation without representation, British military abuse, and the right of people to govern themselves. But your uncle is a Loyalist. Your cousin works for a British officer. Your best friend’s family depends on British protection to keep their business open. If you spy for the Patriots and are caught, you could be hanged as a traitor. If you refuse and the Patriots win, you may have done nothing to help create the country you say you believe in.

There is no Constitution yet. No Bill of Rights. No First Amendment. No Fourth Amendment. No clear definition of what rights citizens will have in the new nation. There is only war, fear, loyalty, secrecy, and the possibility that the choices made by ordinary people may shape the future of the United States.

Your decision: *Do you join the Culper Ring, refuse, or try to stay neutral?*

Question 1: When does spying become patriotic rather than betrayal?

In 1779, you are not spying for an established United States government. You are spying for a rebellion that may lose. To the British, you are committing treason. To Washington, you may be helping secure American independence.

Students should discuss:

- What makes an act of spying morally justified?
- Is it the cause, the outcome, the target, the danger, or the authority asking you to do it?
- If Washington had lost, would Culper spies be remembered as criminals instead of patriots?

- How should this shape our understanding of treason, loyalty, and dissent in the Constitution that came later?

Constitutional connection

Article III defines treason narrowly, requiring either levying war against the United States or giving aid and comfort to enemies, with strong proof requirements. That narrow definition reflects the Founders' awareness that "treason" can be used by governments to punish political opposition.

Question 2: Would you spy on your own community to help create a country?

The Culper Ring worked because it used ordinary people: tavern keepers, printers, merchants, farmers, couriers, and neighbors who could hear things soldiers would never say in front of an obvious spy. That also means the spy's "targets" were often people they knew personally.

Students should discuss:

- Would you report on a neighbor if you believed that neighbor's actions could help the British defeat the Revolution?
- What if the person was a friend, teacher, cousin, employer, or someone whose political views were different from yours but not violent?
- Where is the line between gathering necessary wartime intelligence and betraying the trust that holds a community together?

Constitutional connection

This question points toward later protections for speech, association, due process, and limits on searches. The Founders knew from experience that war creates pressure to monitor people's loyalties. The Constitution and Bill of Rights try to make sure that political disagreement alone does not become proof of guilt.

Question 3: Why might spying be tolerated in wartime but feared in peacetime?

Without intelligence from networks like the Culper Ring, Washington may not have survived militarily long enough for the United States to exist. Yet the same tools — secrecy, informants, intercepted messages, surveillance of neighbors — can become dangerous if used by a government against its own people during ordinary political life.

Students should discuss:

- Should different rules apply during war than during peace?
- Who gets to decide when the danger is serious enough to justify secrecy or spying?
- Once emergency powers are created, how do you make sure they end?
- What constitutional guardrails would you design if you were a Founder who had seen both the value and the danger of spying?

Constitutional connection

This is where students can connect Washington's wartime experience to the later structure of constitutional government: Congress controls war powers and funding, the President commands the military, courts protect legal process, and the Bill of Rights limits government intrusion into private life. The Constitution does not eliminate spying, but it tries to prevent secret power from becoming unchecked power.

Student Discussion #2 — Post-9/11 Surveillance and the Constitution in the Digital Age

The modern scenario focuses on a credible terrorist threat, government monitoring of phone metadata and online activity, AI-based flagging of suspicious behavior, and the Fourth Amendment’s protection against unreasonable searches and seizures. The key constitutional tension is that the Fourth Amendment protects people against unreasonable searches and requires warrants based on probable cause, while the First, Fifth, and Sixth Amendments protect speech, due process, and fair criminal proceedings.

Scenario 2: “The Algorithm, the Threat, and the Constitution”

Time: United States, today.

Federal officials announce that intelligence agencies have received credible information about a possible coordinated attack on a major American city. They do not know the exact target or date, but they believe the attackers are communicating through encrypted apps, gaming platforms, travel websites, and social media accounts.

The government proposes an emergency surveillance program. The program would not listen to every phone call or read every message at first. Instead, it would collect and analyze large amounts of digital metadata: who contacted whom, when, from where, how often, what platforms they used, where they traveled, what public posts they liked or shared, and whether their behavior fits patterns associated with past attacks. An AI system would flag “high-risk” behavior for further review by analysts. Officials argue this is not spying on innocent people; it is using data to find threats before people are killed.

Civil liberties groups strongly object. They argue that when the government collects data on millions of people who are not suspected of a crime, it turns the Fourth Amendment upside down. Journalists worry that sources will stop talking. Religious and political groups worry their meetings could be misinterpreted. Tech companies worry they will be forced to hand over private customer information. Some citizens say they are willing to give up some privacy to prevent another attack. Others say fear is exactly when constitutional rights matter most.

Unlike 1779, the country now has a Constitution. Congress has power to provide for the common defense. The President is Commander in Chief. Courts interpret the law. The First Amendment protects speech, press, assembly, and petition. The Fourth Amendment protects people against unreasonable searches and seizures and requires warrants based on probable cause. The Fifth Amendment protects due process. The question is no longer simply whether spying can help protect the country. The question is whether a constitutional republic can use powerful surveillance tools without undermining the freedoms it exists to protect.

Your decision: *Should the surveillance program be approved, rejected, or approved only with strict limits?*

Question 1: Does collecting data about everyone count as searching anyone?

Modern surveillance may not begin with an agent reading your messages. It may begin with collecting metadata: who you contacted, where you went, what sites you visited, what groups you joined, and what patterns an algorithm sees.

Students should discuss:

- Is bulk data collection a “search” under the Fourth Amendment if no human looks at your information right away?
- Should location data, search history, social media activity, and contact networks be treated like private “papers and effects”?
- Does it matter whether the government says it is looking for patterns rather than accusing specific people?

Question 2: Can fear change what is “reasonable”?

After an attack or credible threat, people often become more willing to accept surveillance in exchange for safety. But constitutional rights are designed to matter most when the public is afraid.

Students should discuss:

- Should the meaning of “reasonable” under the Fourth Amendment change during a national emergency?
- Who should decide: intelligence agencies, the President, Congress, courts, or the public?
- What evidence should the government have to show before collecting data on people who are not suspected of a crime?

Question 3: What limits would make surveillance constitutional — and what limits would not be enough?

Students should not only argue “yes” or “no.” They should design rules.

Students should discuss:

- If a surveillance program is allowed, what safeguards are required?
- Warrants? Time limits? Congressional approval? Court review? Public reporting after the threat passes?
- Protections for journalists, political groups, religious communities, and students?
- Should AI-generated suspicion ever be enough to trigger deeper investigation, or should a human and a judge have to review it first?

Constitutional connection

This question asks students to think like constitutional designers. The issue is not whether national security matters — it clearly does. The issue is whether surveillance can be used in a way that preserves the constitutional system it is supposed to defend.

Three Constitution-Focused Discussion Topics to Consider

1. “Common defense” vs. individual liberty: Where is the constitutional line?

The Constitution was written to “provide for the common defense” and “secure the Blessings of Liberty.” In the Revolution, spying helped the Patriots survive. After 9/11, surveillance was justified as necessary to prevent another catastrophic attack. When national survival or public safety is at stake, how far should government be allowed to go? What constitutional principles should prevent “security” from becoming a blank check?

2. What counts as a “search” in the digital age?

The Fourth Amendment protects people, houses, papers, and effects from unreasonable searches and seizures. In 1779, spying meant listening in taverns, reading letters, watching troop movements, and passing coded messages. Today, it may mean collecting metadata, using AI to detect patterns, tracking location data, or searching online behavior. Should digital data receive the same constitutional protection as a locked desk, a private letter, or a home? Does it matter whether a human reads the information or an algorithm analyzes it first?

3. Who should control secret power in a democracy?

Spying and surveillance often depend on secrecy, but constitutional government depends on accountability. In the Culper Ring, secrecy served a revolutionary cause before the Constitution existed. Today, surveillance may involve Congress, the President, intelligence agencies, courts, private tech companies, journalists, and citizens. Who should decide when surveillance is justified? Congress? The President? Courts? Voters? Independent watchdogs? And how can citizens hold government accountable for programs they may not be allowed to know about?