

CLPO DISCUSSION BOARD TOPICS

1. 28 CFR Part 23

28 CFR Part 23, Criminal Intelligence Systems Operating Policies, is a federal regulation that provides guidance to law enforcement agencies on the implementation standards for operating interjurisdictional and multijurisdictional criminal intelligence systems. It is the de facto minimum national standard for the sharing of criminal intelligence information for SLTT agencies across the country. However, compliance with 28 CFR Part 23 can be perplexing.

Topics of discussion in this section include how to comply with the regulation and other nuances particular to Fusion Centers.

DISCUSSION/REPLY:

Understanding 28 CFR Part 23

Have you checked out the *28 CFR Part 23 FAQs* page? This page has nuggets of information on handling the nuances of 28 CFR Part 23, including topics that are particularly helpful for Fusion Centers.

Check it out here: <https://28cfr.ncirc.gov/FAQ>

2. Audits

P/CRCL audits compose a large part of a Fusion Center CLPOs responsibilities. Audits can range from quick visual inspections of data systems entries, to more in-depth P/CRCL reviews of system processes and procedures. Certain Fusion Centers may also be required to perform specific audits pursuant to the Homeland Security Grant Program (HSGP), or their own P/CRCL policies.

Topics of discussion in this section include the type of audits that can be conducted and resources to help Fusion Center CLPOs complete required P/CRCL audits.

DISCUSSION/REPLY:

Preparing an Audit

A common question I am asked is, “How do I prepare a P/CRCL audit and where do I start?”

I recommend reading through the section on *Conducting a PCRCL Audit* in the *CLPO Orientation Training* instruction manual.

It can be found here: <https://hsin.dhs.gov/dhs/CLPO/Pages/Conducting-a-PCRCL-Audit.aspx>

3. Constitutionally Protected Activities

Fusion Centers often encounter constitutionally protected information from videos, messages and images posted on social media, as well as constitutionally protected activities at protests, rallies, and demonstrations. Perhaps the most difficult challenge facing Fusion Centers is the handling of information involving constitutionally protected activity.

Topics of discussion in this section include what activity may or may not be constitutionally protected and recommended practices on how to respond.

DISCUSSION/REPLY:

First Amendment - True Threat

A relevant article pertaining to the meaning of a “true threat” that mentions the SCOTUS holding in *Counterman*. This involves comments that were made during a First Amendment-protected event and whether the comments rise to the level of a “true threat.”

Judge: Former Lebanon police officer’s texts did not rise to level of ‘true’ threat (vnews.com) March 9, 2024 - <https://www.vnews.com/New-Hampshire-District-Court-dismisses-stalking-charge-against-former-Lebanon-cop-53634134>

WARNING: This article discusses a heightened issue (and the author has an obvious opinion), but the article, midway through, does a good job explaining the different types of speech (protected, true threats, incitement, and harassment).

Why (most) calls for genocide are protected speech (thefire.org) December 8, 2023 - <https://www.thefire.org/news/why-most-calls-genocide-are-protected-speech>

When it comes to which cases are prosecutable, the specificity of the threat matters – as does the intent of the perpetrator, and the impact it has on the victim. Threats that are more generalized or non-credible often fall within the bounds of protected political speech.

A deluge of violent messages: How a surge in threats to public officials could disrupt American democracy (CNN Politics) December 7, 2023 - <https://www.cnn.com/2023/12/07/politics/threats-us-public-officials-democracy-invs/index.html>

A good article regarding a Florida appellate court case which applied the new standard in *Counterman*.

School Murder Post on Snapchat Meets Threat Barrier, Court Says (bloomberglaw.com) November 15, 2023 - <https://news.bloomberglaw.com/litigation/school-murder-post-on-snapchat-meets-threat-barrier-court-says>

This case mentions “true threat” and incitement. I seem to be finding more cases where speech is held to *Not* be incitement

Louisiana man’s jokes about sheriff’s department are protected free speech, 5th Circuit says (abajournal.com) August 28, 2023 - <https://www.abajournal.com/news/article/louisiana-mans-jokes-about-sheriffs-department-are-protected-free-speech-5th-circuit-says>

First Amendment – Retaliatory Claims

Navigating the Slippery Slope of Free Speech and Retaliation in the Murphy v. Schmitt Case (DLG Learning Center) October 26, 2023 - https://dlglearningcenter.com/navigating-the-slippery-slope-of-free-speech-and-retaliation-in-the-murphy-v-schmitt-case/?vgo__ce=GON6TvEiXMHb1vWMhT6xoXf2GGgO0T4Bf2zJkRw6tlQ326g66q8%3D%3AND8Y1QKKRfAe4BuiOV9csjzjKWTuW07I

The Eight Circuit’s recent decision in *Murphy v. Schmitt* highlights the fine balance between the First Amendment right to free speech, retaliatory claims, unlawful detention, and the discretionary powers of law enforcement officers. The central conflict in this case stems from a contentious encounter between Officer Michael Schmitt of Sunrise Beach and a local pedestrian, Mason Murphy.

Before delving into the details of *Murphy v. Schmitt*, it is relevant to acknowledge that the United States Supreme Court has recently granted certiorari in the case of *Gonzalez v. Trevino*, a case that similarly explores the scope of First Amendment protections, particularly as they pertain to retaliatory arrests. The Supreme Court’s decision to hear *Gonzalez v. Trevino* underscores the ongoing evolution and refinement of First Amendment retaliation claims, and law enforcement officers are advised to stay attuned to these developments, as they will undoubtedly influence and shape the legal landscape in this area.

First Amendment – Non-Protected Speech

The following article has some good summaries regarding the different types of non-protected speech

As campuses reel, a reminder of the First Amendment’s boundaries (thefire.org), November 3, 2023 - <https://www.thefire.org/news/campuses-reel-reminder-first-amendments-boundaries>

Protected Classes & Characteristics

We previously noted that the Justice Department had issued its *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity, and Disability*, May 2023 - <https://www.dhs.gov/sites/default/files/2023->

06/Guidance%20for%20Federal%20LEAs%20on%20the%20Use%20of%20Protected%20C
haracteristics_FINAL%205.25.23_508.pdf

Here is an article regarding certain groups filing their concerns about the DOJ's Guidance that was issued:

Civil Rights Groups Send Concerns about Department of Justice's 2023 Racial Profiling Guidance (naacpldf.org), October 24, 2023 - <https://www.naacpldf.org/news/civil-rights-groups-send-concerns-about-department-of-justices-2023-racial-profiling-guidance/>

4. Legislative Updates

Monitoring federal and state legislation, regulations, and policy updates that impact Fusion Centers is an arduous and ongoing task. For example, there has been a strong push towards some form of data privacy law in numerous states and at the federal level, each of which may have some type of impact on Fusion Center operations.

Topics of discussion in this section include current and proposed legislation that may impact Fusion Centers.

DISCUSSION/REPLY:

Data Privacy

Data Privacy legislation is a hot topic of discussion. Here is a discussion on the topic of data privacy.

On July 27, 2023, the Senate reintroduced federal legislation known as “Fourth Amendment is Not for Sale Act”. This legislation, among other things, prohibits government entities from getting personal information through a third-party vendor without a court order. The same legislation was introduced in 2021 but didn’t pass.

The House has also been looking at this issue and, on July 14, 2023, introduced HR 4639 (to amend 18 USC 2702). It was referred to the House Judiciary Committee and House Intelligence Committee on July 19, and there is bipartisan support for this idea/bill.

Here are some articles that help explain what the bill says.

Reform bill would overhaul controversial surveillance law (CyberScoop), November 7, 2023 - <https://cyberscoop.com/section-702-reform-wyden/>

Wyden, Lee, Davidson and Lofgren Introduce Bipartisan Legislation to Reauthorize and Reform Key Surveillance Law, Secure Protections for Americans’ Rights (senate.gov), November 7, 2023 - <https://www.wyden.senate.gov/news/press-releases/wyden-lee-davidson-and-lofgren-introduce-bipartisan-legislation-to-reauthorize-and-reform-key-surveillance-law-secure-protections-for-americans-rights> -

The Government Surveillance Reform Act Will Establish New Safeguards for Government Surveillance and Accountability for Abuses; Reauthorize and Reform FISA Section 702; Establish Protections for Americans Whose Private Information is Collected Under Other Intelligence Authorities; and Modernize Outdated Surveillance Laws

This is an interesting article on how data privacy is viewed.

How Americans View Data Privacy: The role of technology companies, AI and regulation – plus personal experiences with data breaches, passwords, cybersecurity and privacy policies (Pew Research Center), October 18, 2023 -
<https://www.pewresearch.org/internet/2023/10/18/how-americans-view-data-privacy/>

On September 19, Under Secretary for Intelligence and Analysis at the Department of Homeland Security, Kenneth Wainstein, gave a speech at the Brookings Institution on the current threat environment and the role of the Department of Homeland Security's Intelligence and Analysis Office (I&A) in confronting it.

Following the speech, Lawfare Editor-in-Chief Benjamin Wittes and Wainstein sat down for a Q&A, both between them and with the live audience at Falk Auditorium at the Brookings Institution. It's a wide-ranging conversation about the lessons of 9/11, how we seem to have forgotten them in certain respects, current congressional efforts to rein in I&A's intelligence-gathering activities domestically, and the post-Jan. 6 need for those authorities.

Under Secretary for Intelligence and Analysis Ken Wainstein Delivers Remarks at the Brookings Institution (dhs.gov), September 21, 2023 (script)
<https://www.dhs.gov/news/2023/09/21/under-secretary-intelligence-and-analysis-ken-wainstein-delivers-remarks-brookings>

Link to Podcast (includes Q&A session):

The Lawfare Podcast: A Conversation on Domestic Intelligence with Kenneth Wainstein <https://www.lawfaremedia.org/article/the-lawfare-podcast-a-conversation-on-domestic-intelligence-with-kenneth-wainstein> (lawfaremedia.org), September 27, 2023, or <https://podcasts.apple.com/us/podcast/a-conversation-on-domestic-intelligence-with/id498897343?i=1000629358048> (Apple Podcasts)

5. ISE / SARs

The Information Sharing Environment (ISE) was created to provide guidelines for gathering, maintaining, and sharing information for counterterrorism purposes. The Nationwide Suspicious Activity Report Initiative (NSI) was implemented to facilitate the sharing of this information between agencies. The ISE-SAR Functional Standard was thereafter developed to provide a process and description of preoperational behaviors and indicators to assist with identifying certain types of behaviors that may indicate preoperational planning associated with terrorism or other criminal activity.

Topics of discussion in this section include policies and procedures on data collection of tips and leads, including SAR information, and preoperational behaviors and indicators detailed in the ISE Functional Standard.

DISCUSSION/REPLY:

ISE Policies and Procedures

A good starting point for learning about the ISE-SAR is this 1-hour NSI Training course.

- Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) Fundamentals Training (1-hour, requires registration) - <https://www.dhs.gov/form/nsi/nter>

This one-hour Suspicious Activity Reporting (SAR) Fundamentals training course provides an interactive overview of the Nationwide SAR Initiative (NSI). It provides users an understanding of the evaluation process used to determine whether identified behavior adheres to the Information Sharing Environment Functional Standard criteria, in accordance with privacy, civil rights, and civil liberties protections. This training is available to federal, state, local, tribal, territorial, and private sector homeland security partners.

Some key ISE / NSI documents that all CLPOs should become familiar with include:

- ***A Brief History of the Information Sharing Environment, Version 2.0*** (ISE) October 2015 - <https://hsin.dhs.gov/dhs/CLPO/SiteCollectionDocuments/CLPO%20Resources/General/ISE%20-%20A%20Brief%20History%20of%20the%20Information%20Sharing%20Environment.pdf>
- **ISE Privacy Guidelines** - *Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in Development and Use of the Information Sharing Environment* (ODNI) - <https://www.dni.gov/index.php/ic-legal-reference-book/guidelines-to-ensure-that-the-information-privacy-and->

other-legal-rights-of-americans-are-protected-in-the-development-and-use-of-the-information-sharing-environment

- **ISE Functional Standard SAR v1.5.5** - *Information Sharing Environment (ISE) Functional Standard (FS) Suspicious Activity Reporting (SAR) Version 1.5.5* - February 23, 2015 (PM-ISE) - https://www.dhs.gov/sites/default/files/publications/15_0223_NSI_ISE-Functional-Standard-SAR.pdf
- **Key Issues Guidance, Version 1.0** (ISE) February 11, 2008 - <https://hsin.dhs.gov/dhs/CLPO/CRCL%20Training%20Documents/KeyIssuesGuidance.pdf>

Tips and Leads and Threats to Life

The Bureau of Justice Assistance (BJA), along with the Global Advisory Committee (GAC) and the Criminal Intelligence Coordinating Council (CICC) is pleased to announce the release of the Tips and Leads and Threats to Life resource documents.

The GAC through the CICC's Tips and Leads and Threat to Life (TL-TTL) task teams developed resources to support the efficient and timely sharing of TL and TTL information originating from tip lines and social media platforms. These resources highlight the importance of coordination, collaboration, and streamlined information sharing among law enforcement entities and offer guidance and promising practices related to the proper handling of TLs and TTLs. The final set of documents revolve around the premise that responsible multidisciplinary information sharing will enhance stakeholders' abilities to evaluate relevant data, identify and mitigate credible threats, and route the information to the entities that can provide appropriate support for individuals in need of assistance.

All TL-TTL documents and resources are available at BJA's *GIST: Global Justice Information Sharing Toolkit* website at <https://bja.ojp.gov/program/it/gist>.

6. OSINT / Social Media

Open-Source Intelligence (OSINT) is the collection, analysis, and dissemination of information that is publicly available and legally accessible, including social media. Open-source is understood as a category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, real time open-source networking sites, micro blogging sites, photo- and video-sharing sites, wikis, blogs, and news sites. This publicly available information may assist law enforcement and first responders in gathering timely information in furtherance of crime prevention, investigation of criminal activity, and suspected terrorist related Suspicious Activity Reporting (“SARs”).

Topics of discussion in this section include guidance on the use of social media and other open-source information, including OSINT tools, retention periods and other pertinent information.

DISCUSSION/REPLY:

OSINT Policies

Having a policy regarding the use of open-source technology has become more critical as the use of social media expands exponentially around the globe.

If you are looking to create a policy for your Fusion Center, or update your existing one, the following is a guide created by the National Network of Fusion Centers (NNFC), in partnership with the ODNI, DHS, FBI and CCIC to help with this process.

The Real-Time and Open Source Analysis Resource Guide: Understanding and Using Open Source Resources for Law Enforcement Operational and Analytical Activities (“ROSA”), July 2017 -
https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/rosa_resource_guide.pdf

7. PIAs

A Privacy Impact Assessment (PIA) is a process by which an agency can examine P/CRCL risks in an agency's information system and sharing activities and provide an analysis of how personally identifiable information ("PII") is collected, used, disseminated and maintained. By completing a PIA, entities are able to identify P/CRCL vulnerabilities and address and mitigate them through the design and implementation of policies and procedures. Ideally, PIAs are performed when information systems are created, and the results are used to inform the development of system P/CRCL policies and procedures.

Topics of discussion in this section include when a PIA may be needed and resources and guidelines on how to prepare a PIA.

DISCUSSION/REPLY:

Conducting a PIA

If you're looking for information on how to conduct a PIA, check out this information from the *CLPO Orientation Training* instruction manual to help get you started.

How to Conduct a Privacy Impact Assessment -
<https://hsin.dhs.gov/dhs/CLPO/Pages/How-to-Conduct-a-Privacy-Impact-Assessment.aspx>

Considerations when Conducting a Civil Liberties Impact Assessment -
<https://hsin.dhs.gov/dhs/CLPO/Pages/Considerations-when-Conducting-a-Civil-Liberties-Impact-Assessment.aspx>

8. Public Record Requests / FOIA

Pursuant to FOIA/Open Record Laws, the press and general public can request information generated by governmental agencies with some exceptions. Under the Homeland Security Act, 6 U.S.C. § 482(e), information generated by federal agencies and then shared with state or local governments remains under the control of the federal agency that authored the information. Likewise, information generated by state or local governments and then shared with federal or other agencies, remains under the control of the authoring state or local government. State and local laws might authorize or require a state or local government to disclose information generated by that state or local agency, but those laws do not apply to information generated by the federal agency, and vice versa. Except when ...

Topics of discussion in this section include recommended practices for handling public record requests, including applicability of state and federal public record laws pertaining to information shared among federal, state, local, tribal and territorial Fusion Center partners.

DISCUSSION/REPLY:

Federal regulations

Although FOIA is not directly applicable to the States, which are governed by their own respective public record laws, there are certain federal regulations that may govern federal information that is shared among federal, state, local, tribal and territorial Fusion Center partners.

In particular, federal statute 6 U.S.C. §482(e) specifically prohibits homeland security information from disclosure:

Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

- Federal statute 6 USC 482: ***Facilitating homeland security information sharing procedures***. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title6-section482&num=0&edition=prelim#:~:text=%C2%A7482.%20Facilitating%20homeland%20security%20information%20sharing%20procedures%20%28a%29,and%20implement%20procedures%20under%20which%20relevant%20Federal%20agencies->
- ***DHS Directive 262-07*** serves as the principle reference for the DHS for sharing homeland security information with other federal agencies and appropriate state and local personnel. This Directive includes guidance on how to handle HSI as described in 6 U.S.C. §482, “Facilitating Homeland Security Information Sharing Procedures.” https://www.dhs.gov/sites/default/files/publications/mgmt/information-and-technology-management/mgmt-dir_262-07-disclosure-of-homeland-security-info_revision-00.pdf

9. Retention / Purge Policies

Information systems capture, process, and store information using a wide variety of media. This information is often located not only on the intended storage media, but also on devices used to create, process, or transmit this information. Properly sanitizing all media is a key element in assuring data confidentiality and reducing the risk of unauthorized disclosure of information.

When information has no further value or meets the criteria for removal according to 28 CFR Part 23, the Fusion Center's retention and destruction policy, or applicable law, the information needs to be purged, destroyed, and deleted or returned to the submitting (originating) agency. It is important for a Fusion Center to establish operational procedures for the purge and the method of destruction or other disposition for purge material.

Topics of discussion in this section include recommended practices for retaining and purging information.

DISCUSSION/REPLY:

Retention & Purge Policies

28 CFR Part 23 dictates a retention and destruction schedule for a Fusion Center when the Fusion Center is subject to 28 CFR Part 23 and the information is identified as criminal intelligence information (CII). However, not all Fusion Centers are subject to 28 CFR Part 23, and not all information created and collected by a Fusion Center is CII. *How does your Fusion Center manage this "other" information?*

One of the recommended core concepts that should be included in a P/CRCL Policy is an information retention and destruction policy that addresses the following questions: *How long is information retained? What is the procedure for review, purge, and destruction of information?*

You should familiarize yourself with your Fusion Center retention and destruction policy and procedures. You may find it necessary to perform an audit to confirm your Fusion Center is in compliance with your policy.

If your P/CRCL policy is outdated (last modified before 2019), you should consider updating it using the most recent Fusion Center policy development template.

Fusion Center Privacy, Civil Rights, and Civil Liberties Policy Development Template, March 2019 -

https://hsin.dhs.gov/dhs/CLPO/Privacy%20Policy%20Documents/Privacy%20Policy%20Template/fusion_center_percrcl_policy_development_template_v_3.0_march_2019.pdf

10. Technology

Technology systems and tools can be found everywhere including publicly owned buildings, parks, streets and walkways, as well as privately owned businesses, grocery stores, hotels and even private residences. Many local police departments utilize these tools to assist with prevention of mass casualty incidents and crime investigation efforts. For example, Automated License Plate Reader (ALPR) technology has assisted law enforcement with generating leads in domestic kidnappings, solving missing persons and homicide cases, reducing auto thefts, and recovering stolen vehicles.

Topics of discussion in this section include technology tools that are used by Fusion Centers and issues that may arise relating to the policies and practices in the use of these tools.

DISCUSSION/REPLY:

AI

Saw these articles regarding FBI and DHS thoughts on AI. There is also an article at the end about DHS I&A and how it could improve privacy oversight.

FBI Echoes Warning on Danger of Artificial Intelligence (voanews.com), September 18, 2023 - <https://www.voanews.com/a/fbi-echoes-warning-on-danger-of-artificial-intelligence-/7273751.html>

US Homeland Security Department announces new AI use limits (bignewsnetwork.com), September 19, 2023 - <https://www.bignewsnetwork.com/news/273970757/us-homeland-security-department-announces-new-ai-use-limits>

DHS promotes AI use as first Chief AI Officer appointed (homelandprepnews.com), September 19, 2023 - <https://homelandprepnews.com/stories/81189-dhs-promotes-ai-use-as-first-chief-ai-officer-appointed/>

Below is a link to President Biden's new EO which discusses AI and includes a paragraph on protecting P/CRCL.

FACT SHEET: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence (The White House), October 30, 2023 - <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/>

ALPR

Check out this report from the Major Cities Chiefs Association on license plate reader technology.

ALPR is a proven technology, but all law enforcement tools must be used ethically and appropriately. This product is designed to assist law enforcement agencies with developing and maintaining an ALPR program that respects citizens' Constitutional rights and privacy while maintaining ALPR's effectiveness as a tool to address crime.

Automated License Plate Reader Technology in Law Enforcement Recommendations and Considerations (majorcitieschiefs.com), 2023 - <https://majorcitieschiefs.com/wp-content/uploads/2023/02/MCCA-Automated-License-Plate-Reader-Technology-in-Law-Enforcement.pdf>

Gang Database

Articles regarding Boston police department's gang database.

Wu seeks funding for Boston police unit she pledged to dismantle (WBUR News), September 21, 2023 - <https://www.wbur.org/news/2023/09/20/wu-seeks-funding-for-boston-police-unit-she-pledged-to-dismantle>

For Boston's police intelligence gathering operation, more barbed questions (bostonglobe.com), October 1, 2023 - <https://www.bostonglobe.com/2023/10/01/metro/boston-police-intelligence-center/>

Shotspotter

Forwarding this article as an FYI. The article pertains to Little Rock, but there's a mention of Chicago too and a current lawsuit there where SpotShotter was involved.

Little Rock will continue to use controversial policing tool (ualrpublicradio.org), January 10, 2024 - <https://www.ualrpublicradio.org/local-regional-news/2024-01-10/little-rock-will-continue-to-use-controversial-policing-tool>

11. Training

*A Fusion Center CLPO focuses on helping law enforcement professionals understand the rules, regulations and guidelines expected of a Fusion Center when handling and sharing Personally Identifiable Information (“PII”) about subjects, victims and witnesses, as well as ensuring privacy, civil rights and civil liberties are not violated in the process. This training also includes information on how to comply with all applicable laws and regulations protecting individuals’ and organizations’ P/CRCL in the **use, analysis, retention, destruction, sharing and disclosure** of protected information received and stored within the Fusion Center, and shared with other agencies within the Fusion Center network.*

Topics of discussion in this section include training resources on a large variety of topics.

DISCUSSION/REPLY:

Fusion Center Training

There are a lot of different types of training available for Fusion Center personnel, but it can be difficult deciphering what is important and applicable.

If you are not sure where to look, check out *Training Activities* information page from the *CLPO Orientation Training* instruction manual -

<https://hsin.dhs.gov/dhs/CLPO/Pages/Training-Activities.aspx>

Other Relevant Training

Additional training and more broad topics can be found on an assortment of websites. Some common ones include:

- ADL Education – <https://www.adl.org/about/education> - ADL offers anti-bias education through professional learning, educational programs, resources and strategies to build and sustain equitable and inclusive environments.
- NCC Education - <https://constitutioncenter.org/education> - National Constitution Center (NCC) provides constitutional education emphasizing historic storytelling, constitutional rather than political questions, and the habits of civil dialogue and reflection. The NNC’s framework for learning integrates three main components: Historical Foundations through Storytelling; Constitutional Interpretation Skills; and Civil Dialogue and Reflection. This approach provides a strong foundation in the Founding stories and judicial interpretations of the Constitution; teaches learners of all ages to separate their political views from their constitutional views—asking not what the government should do, but what it constitutionally may do.