

SNCTC

Fusion Center

Initial Training Program

*Privacy, Civil Rights
& Civil Liberties*

Balancing P/CRCL



Module 6.1

Balancing CR/CL

*What happens when
principals of Civil Liberties,
Civil Rights and Privacy
conflict with each other?*

Balancing CR/CL

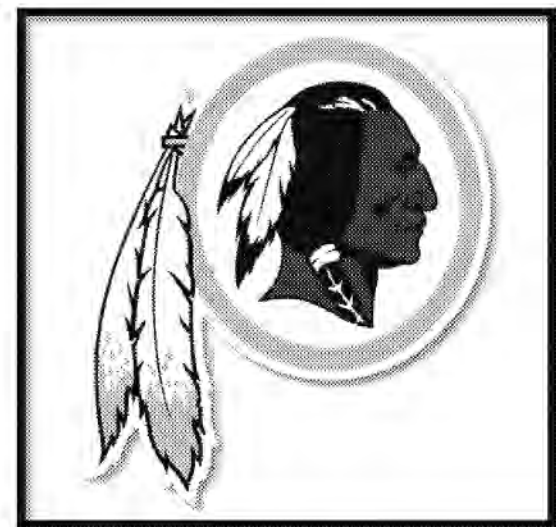
Speech vs Equal Protection

***“The USPTO rejection of ‘The Slants’
‘offends a bedrock First Amendment
principle:***

***Speech may not be banned on the
ground that it express ideas that
offend.”***

***Speech that demeans on the basis of
race, ethnicity, gender, religion, age,
disability or any other similar ground is
hateful; but the proudest boast of our
speech jurisprudence is that
we protect the freedom to express ‘the
thought that we hate’”***

Justice Samuel Alito,
Matal v Tam, June 2017



Balancing CR/CL

Peaceful Assembly vs Privacy

REPENT OR PERISH

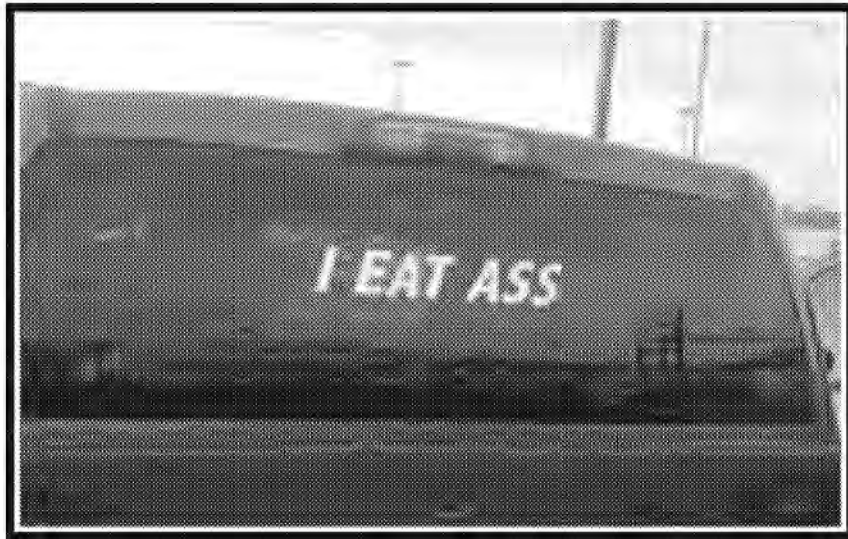


"What Westboro said, in the whole context of how and where it chose to say it, is entitled to 'special protection' under the First Amendment and that protection cannot be overcome by a jury finding that the picketing was outrageous."

Chief Justice John Roberts,
Snyder v. Phelps, March 2011

Balancing CR/CL

Speech vs Not to be Offended



Charges dropped against Florida man arrested for "I Eat Ass" sticker on his truck - Orlando Weekly, May 9, 2019

MILLER TEST

Before a state bans a form of expression on the grounds that it is obscene, it must establish that the material, when taken as a whole: (1) appeals to the prurient (shameful, morbid) interest in sex, (2) is patently offensive in light of community standards, and (3) lacks serious literary, artistic, political, or scientific value

Miller v. California

REMINDER

No Right Not to be Offended

Balancing CR/CL *Speech vs Privacy*

The Telephone Consumer Protection Act of 1991 (TCPA)

**CONSUMERS – LEAVE US ALONE! STOP
violating our Right to Privacy!**

GOVERNMENT –Telemarketer automated-calls are a nuisance, intrusive and an **invasion of privacy.**

TELEMARKETERS – The entire
“automated-call restriction” is **unconstitutional in
violation of the Free Speech Clause of the 1st
Amendment**



Protecting Freedoms in Times of Crisis

*What happens when
principals of Civil
Liberties, Civil Rights and
Privacy conflict with
Public Safety?*

Protecting Freedoms in Times of Crisis

THREAT ALERT:

Las Vegas NYE is a terrorist target



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DHS-001-05722-000751

Protecting Freedoms in Times of Crisis

Terrorism Information and Prevention System (Operation TIP)

Authorized eavesdropping by private citizens in other citizens homes

Total Information Awareness Program (TIA)

Data mining project; A virtual dragnet; “The Supersnoop’s Dream”

Section 702 of the Foreign Intelligence Surveillance Act (FISA)

Authorized government to collect telecommunications

4th Amendment
Safeguards us against
unreasonable searches and
forbids a total surveillance of society

Key Reminders About Constitutional Rights

*What are some important
reminders about
Constitutional Rights in
the context of criminal
behavior?*

Key Reminders About Constitutional Rights

Criminality exhibited by an individual does not extinguish all of that individual's constitutional rights.

Criminality exhibited by certain members of an extremist group does not negate the constitutional rights of the group itself or its members to exercise their 1st Amendment or other rights.

When determining whether to initiate investigative activity, evaluations of the legitimacy or severity of a threat should be based on reasonability and good faith.

For More Information or Questions

Contact

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