

What's the Big Deal with Civil Liberties?

Purpose

The purpose of this presentation is to provide an overview of why DoD has directed each component to establish a civil liberties office within their organizations and designate a Chief Civil Liberties Officer (CLO) and Primary Civil Liberties point of contact (POC).



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Objectives

- Upon completion of this presentation, you should be able to:
 - Define civil liberties
 - Describe the background and requirements of the “Implementing Recommendations of the 9/11 Commission Act of 2007” (42 United States Code (USC) 2000ee-1) (9/11 Act)
 - Distinguish civil liberties from civil rights
 - List the roles and responsibilities of the TRICARE Management Activity (TMA) Chief CLO and the Primary Civil Liberties POC
 - Describe DoD civil liberties requirements
 - Identify who to contact at TMA for information on civil liberties



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Background

- In 2007, Congress passed Public Law 110-53, the 9/11 Act. Section 803 of the Act requires certain federal law enforcement and homeland security related agencies, including DoD, to appoint a senior official to advise on civil liberties and meet certain statutory requirements
- Protection of Civil Liberties in DoD, Office of the Secretary of Defense (OSD) 12888-10 instructed DoD components to review the placement of civil liberties within their organizations and designate a civil liberties office and CLO prior to December 1, 2010



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TMA's Civil Liberties Authority

- The 9/11 Act:
 - Designates a CLO to serve several functions
 - Requires increased information sharing between agencies
 - Requires safeguards for civil liberties
 - Requires quarterly reporting to Congress



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Civil Liberties vs. Civil Rights

- Civil liberties: Offer protection to individuals from improper government action and arbitrary government interference. They are the freedoms guaranteed by the Bill of Rights – the first 10 Amendments to the United States Constitution – and federal laws enacted by Congress
- Civil rights: Refer to the basic human right to be free from unequal treatment based on certain protected characteristics. Civil rights are personal rights guaranteed and protected by the 13th and 14th Amendments to the United States Constitution and federal laws enacted by Congress (e.g., Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990)



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Civil Liberties vs. Civil Rights (continued)

Civil Liberties

Limit government action

Ensure freedom from government for citizens

First 10 Amendments to the Constitution and acts of Congress

Civil Rights

Promote government action

Ensure equal protection for citizens

13th and 14th Amendments to the Constitution and acts of Congress



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What's the Big Deal with Civil Liberties?

Civil Liberties Rights / Freedoms

- Freedom of speech
- Freedom of religion
- Freedom of press
- Freedom of assembly
- Freedom to petition the government for redress of grievances
- Right to purchase and own firearms
- Right against unreasonable search and seizure
- Right to due process of the law



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Civil Liberties Rights / Freedoms (continued)

- Right to equal protection under the law
- Right to a speedy and Impartial Trial
- Right to Jury Trial
- Right to Vote
- Right to be Free from Cruel and Unusual Punishment
- Right to Privacy in the Exercise of all of the above
- And the Right to Life, Liberty and the Pursuit of Happiness



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Roles and Responsibilities

- TMA Chief CLO
 - Direct component compliance with the 9/11 Act
 - Speak on behalf of component head
- TMA Primary Civil Liberties POC
 - Attend DoD Civil Liberties board meetings
 - Establish complaint processing procedure
 - Provide input to DoD's quarterly report
 - Provide training to stakeholders/partners
 - Outreach and communications
 - Monitor compliance with the 9/11 Act



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Summary

- You should now be able to:
 - Define civil liberties
 - Describe the background and requirements of the 9/11 Act
 - Distinguish civil liberties from civil rights
 - List the roles and responsibilities of the TMA Chief CLO and the Primary Civil Liberties POC
 - Describe DoD civil liberties requirements
 - Identify who to contact at TMA for information on civil liberties



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Resources

- Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53
- Section 804 of the 9/11 Act, the Federal Agency Data Mining Reporting Act of 2007
- DoD Directives
 - Organizational Placement and Structure of DoD Civil Liberties Officer (CLO) Functions, December 14, 2009
 - Protection of Civil Liberties in the DoD, OSD 12888-10, November 1, 2010
 - Action Memo from John H. Morse, Deputy Chief TMA Business Operations, Approving the Office Name “TMA Privacy and Civil Liberties Office”



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Resources (continued)

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 2003
- DoD 8580.02-R, “DoD Health Information Security Regulation”, July 2007
- To subscribe to the TMA Privacy and Civil Liberties Office E-News, go to: <http://www.tricare.mil/tma/privacy/maillinglist.aspx>



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Contact Information

- **For more information about civil liberties at TMA, contact**
TMA Privacy and Civil Liberties Office
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- **TMA Chief Civil Liberties Officer**
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