

Clear Present Danger Test

Clear Present Danger Test: Understanding the Criteria and Implications

Introduction:

Have you ever felt a knot in your stomach, a primal instinct screaming "danger"? While that gut feeling might be accurate, navigating legal and workplace situations requiring a "clear and present danger" assessment demands a more precise understanding. This isn't just about feeling uneasy; it's about objectively determining whether a threat is immediate, serious, and demands immediate action. This comprehensive guide will dissect the concept of the "clear and present danger" test, exploring its application in various contexts, its legal implications, and the crucial factors considered in making this critical determination. We'll explore the nuances of this test, ensuring you understand how to identify and respond to genuine threats effectively and legally.

What Constitutes a "Clear and Present Danger"?

The phrase "clear and present danger" is not a precise legal definition with universally agreed-upon parameters. Its interpretation varies depending on the context – whether it's a workplace safety concern, a national security threat, or a legal defense against free speech restrictions. However, core elements remain consistent:

1. **Immediacy:** The threat must be imminent. A potential future danger, however significant, doesn't meet the criteria. The danger must be poised to occur without significant delay. This isn't about predicting the future; it's about recognizing a tangible, immediate risk.
2. **Seriousness:** The potential harm must be substantial. Minor inconveniences or annoyances don't qualify. The danger must pose a significant threat to safety, health, security, or well-being. This severity is judged in relation to the potential consequences, not necessarily the likelihood of occurrence. A low-probability, high-impact event could still constitute a clear and present danger.
3. **Certainty:** While absolute certainty is rarely achievable, there must be a reasonable probability that the anticipated harm will occur. Mere speculation or conjecture isn't enough. Evidence, either circumstantial or direct, must support the claim of an imminent and serious threat. This evidence might include witness testimony, physical evidence, or documented threats.
4. **Lack of Alternative Solutions:** Before resorting to extreme measures based on a clear and present danger assessment, all reasonable alternative solutions must be exhausted. This might include preventative measures, warnings, or attempts at de-escalation. The action taken must be the least restrictive option necessary to mitigate the immediate threat.

Clear and Present Danger in Different Contexts:

Workplace Safety: In the workplace, a clear and present danger might involve a malfunctioning piece of machinery posing immediate risk of injury, a credible threat of violence from a coworker, or an unsafe work environment that poses immediate harm to employees. Employers have a legal and ethical duty to address such dangers promptly.

National Security: In the context of national security, the standard is often higher. This typically involves threats to the nation's security or the lives of its citizens. The government's power to restrict rights (like freedom of speech) based on a clear and present danger is limited and subject to judicial review. The threshold for restricting constitutional rights is exceptionally high.

Freedom of Speech: The Supreme Court has frequently addressed the "clear and present danger" test in cases involving freedom of speech. Historically, the test has been used to justify limitations on speech that poses an immediate threat to public safety or order. However, the Court's interpretation has evolved, with a greater emphasis on protecting free speech unless there is a direct and immediate incitement to violence.

Assessing and Responding to a Clear and Present Danger:

1. **Identify the Threat:** Carefully assess the situation. Gather information from multiple sources. Document any evidence, including witness statements and physical evidence.
2. **Assess Immediacy and Severity:** Determine if the threat is imminent and the potential harm is serious. Consider the potential consequences and the probability of the threat materializing.
3. **Exhaust Alternative Solutions:** Explore less restrictive options before resorting to extreme measures. This could involve warning the individual, implementing safety protocols, or contacting law enforcement.
4. **Document Your Actions:** Maintain a detailed record of your assessment, the actions you took, and the rationale behind your decisions. This documentation is crucial if the situation is later reviewed or questioned.
5. **Seek Legal Counsel:** In ambiguous or complex situations, it's essential to seek professional legal advice to ensure your actions are lawful and appropriate.

Case Study: The Hypothetical Case of "The Angry Employee"

Let's imagine a hypothetical scenario involving an employee, John, who has made increasingly aggressive and threatening comments towards his colleagues. He's verbally abused coworkers, slammed doors, and hinted at violence. This is not a clear and present danger; it's a brewing storm. However, if John were to grab a knife from the breakroom and explicitly threaten to harm a specific

coworker, this could meet the criteria of a clear and present danger. The immediacy and severity of the threat, coupled with the lack of alternative solutions to prevent imminent harm, would justify immediate action, such as calling emergency services and evacuating the area.

Book Outline: "Navigating Clear and Present Danger: A Practical Guide"

I. Introduction: Defining clear and present danger, its historical context, and its relevance in various settings.

II. The Elements of Clear and Present Danger: A detailed examination of immediacy, severity, certainty, and the exhaustion of alternative solutions.

III. Clear and Present Danger in Specific Contexts: Workplace safety, national security, freedom of speech, and other relevant applications.

IV. Assessing and Responding to Threats: Practical steps for identifying, evaluating, and addressing clear and present dangers.

V. Legal Implications and Considerations: An overview of relevant laws and legal precedents, focusing on liability and legal protections.

VI. Case Studies and Examples: Illustrative scenarios showcasing real-world applications of the clear and present danger test.

VII. Conclusion: Recap of key takeaways, emphasizing the importance of responsible assessment and action.

Article Explaining Each Point of the Outline:

(Detailed articles would follow for each point of the outline, expanding on the concepts covered above. Due to the length limitations, this would be a substantial amount of additional writing.)

FAQs:

1. What is the difference between a "clear and present danger" and a "potential threat"? A clear and present danger is immediate and serious, while a potential threat is something that could happen in the future.

2. Can a clear and present danger be based on hearsay evidence? While not ideal, hearsay evidence can be considered, particularly if corroborated by other information.

3. Who is responsible for assessing clear and present dangers in a workplace? This often falls on management and supervisors, with potential involvement from HR and security personnel.
4. What legal consequences might result from failing to address a clear and present danger? This could lead to lawsuits for negligence, workplace injuries, or even criminal charges.
5. Can freedom of speech ever be restricted based on a clear and present danger? Yes, but only in extremely limited circumstances and with a very high burden of proof.
6. What constitutes "exhaustion of alternative solutions" in a clear and present danger situation? This involves trying all reasonable and less restrictive measures before resorting to more drastic actions.
7. How can I document a clear and present danger assessment effectively? Keep detailed records of your observations, the evidence you gathered, the actions you took, and the reasoning behind your decisions.
8. What if I disagree with an assessment of a clear and present danger? If you have concerns, document your objections and consider seeking legal counsel.
9. Where can I find more information on legal precedents related to the clear and present danger test? Legal databases such as Westlaw and LexisNexis provide access to relevant court cases and legal scholarship.

Related Articles:

1. Workplace Violence Prevention: Strategies for creating a safer work environment and preventing violent incidents.
2. Active Shooter Response Plans: Procedures for responding to active shooter situations in the workplace or public spaces.
3. Emergency Preparedness and Response: Guidelines for preparing for and responding to various types of emergencies.
4. Risk Assessment and Management: Methods for identifying, evaluating, and mitigating potential risks.
5. Legal Liability for Employers: Understanding an employer's legal responsibilities regarding workplace safety and security.
6. Employee Rights and Responsibilities: A review of employee rights and obligations regarding workplace safety.
7. First Aid and CPR Training: The importance of workplace training in basic first aid and CPR.
8. Security Systems and Technologies: An overview of security technologies that can help enhance

workplace safety.

9. The Role of HR in Workplace Safety: The crucial role of Human Resources in creating and maintaining a safe workplace.

clear present danger test: Clear and Present Danger Tom Clancy, 1990-07-01 Don't Miss the Original Series Tom Clancy's Jack Ryan Starring John Krasinski! In this #1 New York Times bestselling thriller from Tom Clancy, Jack Ryan gets caught in a war between the United States and a Colombian drug cartel and uncovers a shocking conspiracy. When Colombian drug lords assassinate both the U.S. ambassador and the visiting head of the FBI, their actions trigger a covert response from the American government—a response that goes horribly wrong... As the newly named Deputy Director of Intelligence for the CIA, Jack Ryan should be privy to operations like the one in Colombia, but he's been left completely in the dark. With the help of field officer John Clark, Ryan intends to find out what's really going on. But while they expect danger from without, the greatest threat of all may come from within.

clear present danger test: *The Great Dissent* Thomas Healy, 2013-08-20 A Kirkus Reviews Best Nonfiction Book of the Year: "Fascinating . . . A magnificent book about a magnificent moment in American legal history." —The Atlantic A Winner of the Robert F. Kennedy Book Award No right seems more fundamental to American public life than freedom of speech. Yet well into the twentieth century, that freedom was still an unfulfilled promise, with Americans regularly imprisoned merely for speaking out against government policies. Indeed, free speech as we know it comes less from the First Amendment than from a most unexpected source: Supreme Court justice Oliver Wendell Holmes. A lifelong skeptic, he disdained individual rights, including the right to express one's political views. But in 1919, it was Holmes who wrote a dissenting opinion that would become the canonical affirmation of free speech in the United States. Why did Holmes change his mind? That question has puzzled historians for almost a century. Now, with the aid of newly discovered letters and confidential memos, law professor Thomas Healy reconstructs in vivid detail Holmes's journey from free-speech opponent to First Amendment hero. It is the story of a remarkable behind-the-scenes campaign by a group of progressives to bring a legal icon around to their way of thinking—and a deeply touching human narrative of an old man saved from loneliness and despair by a few unlikely young friends. Beautifully written and exhaustively researched, *The Great Dissent* is intellectual history at its best, revealing how free debate can alter the life of a man and the legal landscape of an entire nation. "Compelling [and] charming." —The Wall Street Journal "A beautifully written history, capturing the lively and passionate debate as Holmes came to see the abiding imperative of free speech and defend it at great cost to his own reputation at the time." —Booklist "A stirring mix of intelligent biography and truly significant social and legal history." —The Christian Science Monitor

clear present danger test: *Decision* Bernard Schwartz, 1997-10-30 Discusses the Supreme Court's decision making process, based on documentary sources and interviews with justices and law clerks. Provides insight into some of the most important cases to come before the court and includes portraits of many of the justices in action.

clear present danger test: *Encyclopedia of American Civil Liberties* Paul Finkelman, 2013-11-07 This Encyclopedia on American history and law is the first devoted to examining the issues of civil liberties and their relevance to major current events while providing a historical context and a philosophical discussion of the evolution of civil liberties. Coverage includes the traditional civil liberties: freedom of speech, press, religion, assembly, and petition. In addition, it also covers concerns such as privacy, the rights of the accused, and national security. Alphabetically organized for ease of access, the articles range in length from 250 words for a brief biography to 5,000 words for in-depth analyses. Entries are organized around the following themes: organizations and government bodies legislation and legislative action, statutes, and acts historical overviews

biographies cases themes, issues, concepts, and events. The Encyclopedia of American Civil Liberties is an essential reference for students and researchers as well as for the general reader to help better understand the world we live in today.

clear present danger test: The Free Speech Century Lee C. Bollinger, Geoffrey R. Stone, 2019 The Supreme Court's 1919 decision in *Schenck vs. the United States* is one of the most important free speech cases in American history. Written by Oliver Wendell Holmes, it is most famous for first invoking the phrase clear and present danger. Although the decision upheld the conviction of an individual for criticizing the draft during World War I, it also laid the foundation for our nation's robust protection of free speech. Over time, the standard Holmes devised made freedom of speech in America a reality rather than merely an ideal. In *The Free Speech Century*, two of America's leading First Amendment scholars, Lee C. Bollinger and Geoffrey R. Stone, have gathered a group of the nation's leading constitutional scholars--Cass Sunstein, Lawrence Lessig, Laurence Tribe, Kathleen Sullivan, Catherine McKinnon, among others--to evaluate the evolution of free speech doctrine since *Schenk* and to assess where it might be headed in the future. Since 1919, First Amendment jurisprudence in America has been a signal development in the history of constitutional democracies--remarkable for its level of doctrinal refinement, remarkable for its lateness in coming (in relation to the adoption of the First Amendment), and remarkable for the scope of protection it has afforded since the 1960s. Over the course of *The First Amendment Century*, judicial engagement with these fundamental rights has grown exponentially. We now have an elaborate set of free speech laws and norms, but as Stone and Bollinger stress, the context is always shifting. New societal threats like terrorism, and new technologies of communication continually reshape our understanding of what speech should be allowed. Publishing on the one hundredth anniversary of the decision that laid the foundation for America's free speech tradition, *The Free Speech Century* will serve as an essential resource for anyone interested in how our understanding of the First Amendment transformed over time and why it is so critical both for the United States and for the world today.

clear present danger test: Free Speech and Its Relation to Self-Government Alexander Meiklejohn, 2000 Reprint of sole edition. Originally published: New York: Harper Brothers Publishers, [1948]. Dr. Meiklejohn, in a book which greatly needed writing, has thought through anew the foundations and structure of our theory of free speech . . . he rejects all compromise. He reexamines the fundamental principles of Justice Holmes' theory of free speech and finds it wanting because, as he views it, under the Holmes doctrine speech is not free enough. In these few pages, Holmes meets an adversary worthy of him . . . Meiklejohn in his own way writes a prose as piercing as Holmes, and as a foremost American philosopher, the reach of his culture is as great . . . this is the most dangerous assault which the Holmes position has ever borne. --JOHN P. FRANK, *Texas Law Review* 27:405-412. ALEXANDER MEIKLEJOHN [1872-1964] was dean of Brown University from 1901-1913, when he became president of Amherst College. In 1923 Meiklejohn moved to the University of Wisconsin- Madison, where he set up an experimental college. He was a longtime member of the National Committee of the American Civil Liberties Union. In 1945 he was a United States delegate to the charter meeting of UNESCO in London. Lectureships have been named for him at Brown University and at the University of Wisconsin. He was awarded the Presidential Medal of Freedom in 1963.

clear present danger test: Freedom for the Thought That We Hate Anthony Lewis, 2010 More than any other people on earth, we Americans are free to say and write what we think. The press can air the secrets of government, the corporate boardroom, or the bedroom with little fear of punishment or penalty. This extraordinary freedom results not from America's culture of tolerance, but from fourteen words in the constitution: the free expression clauses of the First Amendment. In *Freedom for the Thought That We Hate*, two-time Pulitzer Prize-winner Anthony Lewis describes how our free-speech rights were created in five distinct areas—political speech, artistic expression, libel, commercial speech, and unusual forms of expression such as T-shirts and campaign spending. It is a story of hard choices, heroic judges, and the fascinating and eccentric

defendants who forced the legal system to come face to face with one of America's great founding ideas.

clear present danger test: Free Speech On Trial Richard A. Parker, 2003-07-21 Describes landmark free speech decisions of the Supreme Court while highlighting the issues of language, rhetoric, and communication that underlie them. At the intersection of communication and First Amendment law reside two significant questions: What is the speech we ought to protect, and why should we protect it? The 20 scholars of legal communication whose essays are gathered in this volume propose various answers to these questions, but their essays share an abiding concern with a constitutional guarantee of free speech and its symbiotic relationship with communication practices. *Free Speech on Trial* fills a gap between textbooks that summarize First Amendment law and books that analyze case law and legal theory. These essays explore questions regarding the significance of unregulated speech in a marketplace of goods and ideas, the limits of offensive language and obscenity as expression, the power of symbols, and consequences of restraint prior to publication versus the subsequent punishment of sources. As one example, Craig Smith cites *Buckley vs. Valeo* to examine how the context of corruption in the 1974 elections shaped the Court's view of the constitutionality of campaign contributions and expenditures. Collectively, the essays in this volume suggest that the life of free speech law is communication. The contributors reveal how the Court's free speech opinions constitute discursive performances that fashion, deconstruct, and reformulate the contours and parameters of the Constitution's guarantee of free expression and that, ultimately, reconstitute our government, our culture, and our society.

clear present danger test: Is There a Right of Freedom of Expression? Larry Alexander, 2005-06-06 A sceptical appraisal of the claim that freedom of expression is a human right.

clear present danger test: Eternally Vigilant Lee C. Bollinger, Geoffrey R. Stone, 2018-06-01 While freedom of speech has been guaranteed us for centuries, the First Amendment as we know it today is largely a creation of the past eighty years. *Eternally Vigilant* brings together a group of distinguished legal scholars to reflect boldly on its past, its present shape, and what forms our understanding of it might take in the future. The result is a unique volume spanning the entire spectrum of First Amendment issues, from its philosophical underpinnings to specific issues like campaign regulation, obscenity, and the new media. With group efforts, such as this collection of essays, it is almost inevitable that there will be a couple—and often several—duds among the bunch, or at least a dismaying repetition of ideas. Such is not the case here. . . . Whether one agrees with a given author or not (and it is possible to do both with any of the essays), each has something to add. Overall, *Eternally Vigilant* is a thoughtful and thought-provoking book, consistently intelligent and, at times, brilliant.—Richard J. Mollot, *New York Law Journal* Contributors: Lillian R. BeVier Vincent Blasi Lee C. Bollinger Stanley Fish Owen M. Fiss R. Kent Greenawalt Richard A. Posner Robert C. Post Frederick Schauer Geoffrey R. Stone David A. Strauss Cass R. Sunstein

clear present danger test: The Supreme Court in Conference (1940-1985) Del Dickson, 2001-07-12 The Supreme Court in Conference offers a fascinating and unprecedented look at the private debates between Justices on nearly 300 landmark cases from 1940-1985. Major decisions such as *Roe v. Wade* and *Brown v. Board of Education* are covered and the notes of Justices Felix Frankfurter, William O. Douglas, Frank Murphy, Robert Jackson, Harold Burton, Tom Clark, Earl Warren and William Brennan are opened to shed light on what goes on behind the closed doors of the secretive conference room. In this unique and revealing work on some of the most profound rulings made at a turbulent time in American history, the reader is given insight into how and why certain decisions were reached. With expert editing by Del Dickson—who provides annotations and an introduction to each case, placing them in legal and historical context—cases on issues such as free speech, the rights of the accused, religion, Presidential power, equal protection, affirmative action and the death penalty are discussed. Dickson also includes a lively and incisive history of the Supreme Court, from its beginning to the present, illuminating how the conference works, how it has evolved, its various animosities, triumphant successes and glaring failures. As the first major reference work on this subject, this easy-to-use book offers the most reliable evidence available on

the internal workings of the Supreme Court. It is the ideal source for scholars, law students, historians and anyone interested in how Supreme Court decisions are truly made.

clear present danger test: Crimes against the State James A. Beckman, Eric Merriam, 2024-08-08 This work provides an authoritative survey of America's long and turbulent history of rebellions against laws and institutions of the state, ranging from violent acts of sedition and terrorism to acts of nonviolent civil disobedience against discriminatory or unjust laws. Crimes against the State is an even-handed and illuminating one-stop resource for understanding acts of rebellion against legal authorities and institutions and the motivations driving them. Special care is taken to differentiate between hostile acts and actors that seek to overthrow or otherwise damage the state and/or targeted demographic groups through violence (such bad actors as the January 6 Capitol mob and bombers of abortion clinics) and acts and actors that seek to defy, reform, or improve laws and institutions of the state through nonviolent action (such good actors as activists in the civil rights movement). Within these pages, readers will 1) learn how to differentiate between sedition, insurrection, treason, domestic terrorism, espionage, and other acts meant to injure or overthrow the government; 2) gain a deeper understanding of laws, policies, and events that have aroused violent or nonviolent opposition; 3) gain insights into perspectives and motivations of individuals and organizations; and 4) learn about state responses to these challenges and threats, from martial law to criminal prosecutions to new laws and reforms.

clear present danger test: Law in American History, Volume II G. Edward White, 2016-02-15 In this second installment of G. Edward White's sweeping history of law in America from the colonial era to the present, White, covers the period between 1865-1929, which encompasses Reconstruction, rapid industrialization, a huge influx of immigrants, the rise of Jim Crow, the emergence of an American territorial empire, World War I, and the booming yet xenophobic 1920s. As in the first volume, he connects the evolution of American law to the major political, economic, cultural, social, and demographic developments of the era. To enrich his account, White draws from the latest research from across the social sciences--economic history, anthropology, and sociology--yet weave those insights into a highly accessible narrative. Along the way he provides a compelling case for why law can be seen as the key to understanding the development of American life as we know it. Law in American History, Volume II will be an essential text for both students of law and general readers.

clear present danger test: Law in American History G. Edward White, 2012 Included in the coverage of this volume are the interactions between European and Amerindian legal systems in the years of colonial settlement; the crucial role of Anglo-American theories of sovereignty and imperial governance in facilitating the separation of the American colonies from the British Empire in the late eighteenth century; the American experiment with federated republican constitutionalism in the founding period; the major importance of agricultural householding, in the form of slave plantations as well as farms featuring wage labor, in helping to shape the development of American law in the eighteenth and nineteenth centuries; the emergence of the Supreme Court of the United States as an authoritative force in American law and politics in the early nineteenth century; the interactions between law, westward expansion,

clear present danger test: Freedom of Speech and Incitement against Democracy David Kretzmer, Francine Kershman Hazan, 2021-08-04 Whilst the protection of political speech is essential to the preservation of a democratic legal order, events of political violence and assassinations highlight the need to rethink questions relating to the boundaries of free speech in a democratic society. To what extent should democratic countries committed to freedom of speech limit those forms of extreme speech that may be considered as incitements to violence? This is a question that has long divided academics and activists alike. It has become even more relevant today, with the recent rise of extreme right-wing parties in various European democracies. In this book, leading scholars of constitutional law, human rights and criminal law, from various countries with divergent philosophies on freedom of speech, address the question of whether we can, and should, regulate speech in order to protect democracy and, if so, how.

clear present danger test: *Justice and the Media* Matthew D. Bunker, 2013-10-16 USE THIS FIRST PARAGRAPH ONLY FOR GENERAL CATALOGS... The First Amendment right of free speech is a fragile one. Its fragility is found no less in legal opinions than in other, less specialized forms of public discourse. Both its fragility and its sometimes surprising resiliency are reflected in this book. It provides an examination of how the U.S. Supreme Court has dealt with the problem of restrictions on media coverage of the criminal justice system, as well as how lower courts have interpreted the law created by the Supreme Court. The author explores the degree to which the Court has created a coherent body of law that protects free expression values while permitting reasonable government regulation, and examines the Supreme Court's jurisprudence concerning prior restraints, post-publication sanctions on the press, and their right of access to criminal proceedings. This is a study of the evolution of constitutional doctrine -- particularly when transported from the rarefied air of the Supreme Court to lower court judges who may not share the values of the jurists above them in the judicial hierarchy. The book's greatest strength lies in its thorough analysis and critique of how judges apply First Amendment doctrine to the complex problem of providing for both a free press and fair trials. Much of the available literature on this topic focuses on legal doctrine, but with attention to the legal rules that emerge from the courts, rather than examining and critiquing the judicial techniques that produce those rules. Moreover, although a significant body of scholarship has explored Supreme Court doctrine, this work is one of the few that trace the influence of those doctrines through lower federal court decisions. The hope is to produce a reasonably accurate -- if partial -- picture of how intermediate appellate and trial courts use U.S. Supreme Court doctrine to decide First Amendment cases. Note: This book is necessarily influenced by the 'round-the-clock' press coverage of the recent O.J. Simpson trial. Although the Simpson case did not make new law, the trial and its outcome seem to be -- at this writing -- an inescapable part of how many people think about these issues. The simple truth, however, is that the Simpson case was an anomaly that has little relation to the everyday concerns of media coverage of the criminal justice system. While the venerable parade of horrors can be an effective strategy for the legal advocate, it is not always the ideal way to address larger concerns, particularly when fundamental rights are at stake.

clear present danger test: Nomination of Robert H. Bork to be Associate Justice of the United States Supreme Court United States. Congress. Senate. Committee on the Judiciary, 1987

clear present danger test: **Pre-Nineteen Sixty Developments in the Bill of Rights Area** Paul L. Murphy, 2014-04-04 Volume 2 in the 20-volume series reproducing over 300 key articles which explore the 200-year history of the rights of American citizens. This title contains 23 essays on development of the Bill of Rights from a range of academic authors; features some work found in previously published journals. Such a collection will prove insightful for historians, students of American history and those with a vested interest in historic American law.

clear present danger test: **The Law of Public Communication** Kent R. Middleton, William E. Lee, Daxton Stewart, 2015-07-30 The Law of Public Communication provides an overview of media law that includes the most current legal developments today. It explains the laws affecting the daily work of writers, broadcasters, advertisers, cable operators, Internet service providers, public relations practitioners, photographers, bloggers, and other public communicators. Authors Kent Middleton and William Lee take students through the basic legal principles and methods of analysis that allows students to study and keep abreast of the rapidly changing field of public communication. By presenting statutes and cases in a cohesive manner that is understandable, even to students studying law for the first time, the authors ensure that students will acquire a firm grasp of the legal issues affecting the media. This 2016 Update brings the Ninth Edition up to date with the most recent cases and examples affecting media professionals and public communicators. New topics include Supreme Court decisions on internet harassment and the streaming company Aereo, the FCC's efforts to reclassify broadband providers as telecommunication services, court cases dealing publicity rights for celebrity athletes in video games, and the recent presidential executive order regarding new government information sources.

clear present danger test: **Encyclopedia of Criminal Justice Ethics** Bruce A. Arrigo,

2014-07-17 Federal, state, county, and municipal police forces all have their own codes of conduct, yet the ethics of being a police officer remain perplexing and are often difficult to apply in dynamic situations. The police misconduct statistics are staggering and indicate that excessive use of force comprises almost a quarter of misconduct cases, with sexual harassment, fraud/theft, and false arrest being the next most prevalent factors. The ethical issues and dilemmas in criminal justice also reach deep into the legal professions, the structure and administration of justice in society, and the personal characteristics of those in the criminal justice professions. The Encyclopedia of Criminal Justice Ethics includes A to Z entries by experts in the field that explore the scope of ethical decision making and behaviors within the spheres of criminal justice systems, including policing, corrections, courts, forensic science, and policy analysis and research. This two-volume set is available in both print and electronic formats. Features: Entries are authored and signed by experts in the field and conclude with references and further readings, as well as cross references to related entries that guide readers to the next steps in their research journeys. A Reader's Guide groups related entries by broad topic areas and themes, making it easy for readers to quickly identify related entries. A Chronology highlights the development of the field and places material into historical context; a Glossary defines key terms from the fields of law and ethics; and a Resource Guide provides lists of classic books, academic journals, websites and associations focused on criminal justice ethics. Reports and statistics from such sources as the FBI, the United Nations, and the International Criminal Court are included in an appendix. In the electronic version, the Reader's Guide, index, and cross references combine to provide effective search-and-browse capabilities. The Encyclopedia of Criminal Justice Ethics provides a general, non-technical yet comprehensive resource for students who wish to understand the complexities of criminal justice ethics. Key Themes: History of Criminal Justice Ethics General Criminal Justice Ethics Police Ethics Legal Ethics Correctional Ethics Criminal Justice Cases and Controversies Technology, Crime, and Ethics Ethics and Critical Criminology

clear present danger test: *Privacy and the Constitution* Madeleine Mercedes Plasencia, 1999 First published in 2000. Routledge is an imprint of Taylor & Francis, an informa company.

clear present danger test: Bioterrorism: The History of a Crisis in American Society David McBride, 2020-12-17 Originally published in 2003 and now reissued with a new introduction, this collection provides an invaluable, academic resource on the challenges bioterrorism posed for American society and institutions. Critically selected essays from a wide range of disciplines document and analyze the problems and implications for political, economic, and legal institutions, as well as the challenges a weapon of disease and fear can impose on public health and public policy. By placing bioterrorism into its historical context, this collection also traces the academic research and historical decisions that have contributed to the formation of American policies attempting to cope with a potentially catastrophic attack on the population in general and urban population in particular.

clear present danger test: *The Cult of the Constitution* Mary Anne Franks, 2019-05-14 "A powerful challenge to the prevailing constitutional orthodoxy of the right and the left . . . A deeply troubling and absolutely vital book" (Mark Joseph Stern, Slate). In this provocative book, Mary Anne Franks examines the thin line between constitutional fidelity and constitutional fundamentalism. The Cult of the Constitution reveals how deep fundamentalist strains in both conservative and liberal American thought keep the Constitution in the service of white male supremacy. Franks demonstrates how constitutional fundamentalists read the Constitution selectively and self-servingly, thus undermining the integrity of the document as a whole. She goes on to argue that economic and civil libertarianism have merged to produce a deregulatory, "free-market" approach to constitutional rights that achieves fullest expression in the idealization of the Internet. The fetishization of the first and second amendments has blurred the boundaries between conduct and speech and between veneration and violence. But the Constitution itself contains the antidote to fundamentalism. The Cult of the Constitution lays bare the dark, antidemocratic consequences of constitutional fundamentalism and urges readers to take the Constitution seriously, not selectively.

clear present danger test: Constitutional Law for the Criminal Justice Professional Carl J. Franklin, 1999-03-16 Written in a simple, straightforward manner, this book will help today's criminal justice student better understand con law issues as well as the complicated development of constitutional rights and law. In its simple, easy to understand format, this book is a must for both current criminal justice professionals and students studying to enter the p

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clear present danger test: *Media Today* Joseph Turow, 2011-09-22 Media Today puts students at the center of the profound changes in the twenty-first century media world - from digital convergence to media ownership - and gives them the skills to think critically about what these changes mean for the role of media in their lives. *Media Today*, Fourth Edition is built around four key concepts: A media systems approach allows students to understand the interconnected cultural, political, and economic forces that shape media they encounter every day. Unique insights into media trends give students an insider's perspective on how media industries are responding to changes from globalization to social networking. Focus on digital convergence shows in each chapter how digital media is transforming traditional mass media such as newspapers, magazines, and television. A media literacy goal encourages and builds critical skills to make students more informed and engaged citizens in our media-driven society. Completely revised with updated examples, new case studies, and new online video resources, the 4th edition of *Media Today* connects the latest trends, debates, and technologies to the history of media, highlighting the impact and meaning of today's changes to the media landscape, especially how traditional industries have blurred together with digital convergence. Additional learning resources including a new set of online video resources, interactive quizzes, study resources, and instructor guides are available on the free companion website at: www.routledge.com/textbooks/mediatoday4e.

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Thomas G. Walker, 2015-08-28 Judicial decisions are influenced by myriad political factors, from lawyers and interest groups, to the shifting sentiments of public opinion, to the ideological and behavioral inclinations of the justices. In *Constitutional Law for a Changing America: Rights, Liberties, and Justice*, Ninth Edition authors Lee Epstein and Thomas G. Walker show how these dynamics shape the development of constitutional doctrine. Known for fastidious revising and streamlining, the authors incorporate the latest scholarship in the fields of both political science and legal studies and offer rock-solid analysis of both classic and contemporary landmark cases, including key opinions handed down through the 2015 session. Filled with additional supporting material—photographs of the litigants, sidebars comparing the U.S. with other nations, and Aftermath boxes that tell the stories of the parties' lives after the Supreme Court has acted—the text encourages greater student engagement with the material and a more complete understanding of the American constitution.

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pondering its uncertain future in the Trump administration). He acknowledges that public officials often lack information about costs and benefits, and outlines state-of-the-art techniques for acquiring that information. Policies should make people's lives better. Quantitative cost-benefit analysis, Sunstein argues, is the best available method for making this happen—even if, in the future, new measures of human well-being, also explored in this book, may be better still.

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private Internet data. Maintaining an impartial stance throughout, the entries objectively explain the varied perspectives on these hot-button issues, allowing readers to draw their own conclusions.

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