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Extremism Definition and Oversight Act of 2025

ABSTRACT

The definition of the word "**extreme**" in the United States can vary depending on the context in which it is used, such as in federal statutes, case law, or regulations. Generally, the word "extreme" is not explicitly defined as a standalone term in legal texts, but its meaning is inferred from its usage in specific contexts.

For example, in context of terms used such as **domestic violent extremism**, **homegrown violent extremism**, and **militia violent extremism**, the FBI uses the term "**extreme**" to reference ideologies, beliefs, or actions that the FBI considers far beyond the limits of moderation, reasonableness, or lawfulness, often involving the use of or advocacy for violence to achieve political, social, or ideological goals.

In the context of U.S. law and the Constitution, the terms "**extreme**", "**extremism**", and "**extremist**" are not explicitly defined as legal terms with a single established definition. Instead, its meanings are interpreted based on cultural, bureaucratic, and case law principles. This paper outlines draft legislation to standardize 'extreme', 'extremism', and 'extremist' terms to ensure lawful thoughts, statements, and actions, that may be perceived as extreme, are not treated as unlawful conduct.

A Bill to Define 'Extreme,' 'Extremism,' and 'Extremist' and Establish Oversight for Extremist Organizations

SECTION 1. SHORT TITLE

This Act may be cited as the "**Extremism Definition and Oversight Act of 2025.**"

SECTION 2. PURPOSE

The purpose of this Act is to:

1. Provide clear and uniform legal definitions for "extreme," "extremism," and "extremist."
 2. Define the criteria for labeling organizations as extremist organizations and require transparency by maintaining a publicly accessible list housed within the Department of Homeland Security (DHS).
 3. Establish a formal process for individuals and organizations to challenge their designation as extremists or extremist organizations.
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SECTION 3. DEFINITIONS

(a) "Extreme"

For purposes of this Act, the term "extreme" shall mean:

- **Conduct:** Thoughts, statements, and actions, that involve advocacy of unlawful, violent, or coercive measures to achieve any objective.
- **Beliefs:** Holding beliefs, ideologies, or opinions that, by perception of the public or the state, appear to the left or right of mainstream political, religious, or social views, but remain protected under the Constitution unless accompanied by unlawful conduct.

(b) "Extremism"

The term "extremism" shall refer to:

- The active promotion or use of unlawful activities intended to achieve any objective.

(c) "Extremist"

The term "extremist" shall refer to:

- An individual who engages in extremism as defined in subsection (b), including inciting, planning, or committing unlawful acts.

- A person identified as a member of an extremist organization as defined in Section 4.
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SECTION 4. EXTREMIST ORGANIZATIONS

(a) Definition

An "extremist organization" shall be defined as:

1. Any group, organization, or entity that:
 - Legally matches the 'extreme' and 'extremism' legal definitions under Section 3 subsections (a) and (b), and
 - Is subsequently legally designated by a federal court or a qualified DHS oversight committee under this Act.
2. **Exclusions:**
 - Organizations engaging in lawful conduct, regardless of ideological alignment, shall not be legally designated as extremist organizations unless there is substantial evidence of their involvement in or support for unlawful acts matching the legal definitions under Section 3 subsections (a) and (b).

(b) Public Listing Requirement

- The DHS shall establish and maintain a publicly accessible list of designated extremist organizations.
 - The list must be:
 - Updated quarterly.
 - Accompanied by a written justification for each designation, citing evidence that aligns with the definition provided in Section 3 subsections (a) and (b).
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SECTION 5. TRANSPARENCY AND DUE PROCESS

(a) Notification of Designation

- Individuals or organizations designated as "extremists" or "extremist organizations" must be notified in writing within 14 days of the designation.
- Notifications shall include:
 - The specific evidence used for the designation.

- Instructions for filing an appeal.

(b) Right to Challenge Designation

- Affected individuals or organizations may file an appeal within 60 days of notification to an independent review board established by DHS within the Extremist Oversight Commission.
- The review board shall consist of:
 - Three federal judges appointed by the Chief Justice of the Supreme Court.
 - Two nonpartisan members of the public, appointed by the Senate Homeland Security and Governmental Affairs Committee.
 - Two nonpartisan members of the public, appointed by the House Committee on Homeland Security.
- The review board shall meet as needed, either in-person or via electronic means.
 - The review board shall choose a chair, from the members of the public, for the purpose of facilitating the meeting.

(c) Remedies

- If the review board determines the designation was made in error:
 - The individual or organization shall be immediately removed from the public list.
 - The government must issue a public retraction within 30 days.
 - Any related surveillance or enforcement actions must cease.
 - If the review board determines the designation was made in accordance with this law:
 - The individual or organization shall have the right to appeal to the Supreme Court, who shall retain original jurisdiction.
 - The government must issue a response within 15 days of the appeal.
 - The Supreme Court must issue a response within 30 days of the appeal.
 - If the Supreme Court upholds the review board's decision, the designation stands.
 - If the Supreme Court overturns the review board's decision, the remedies for "designation was made in error" must be complied with in 7 days of the Supreme Court's order.
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SECTION 6. OVERSIGHT AND ACCOUNTABILITY

(a) Oversight Body

- DHS shall establish an independent **Extremist Oversight Commission** to ensure compliance with this Act.
- The commission shall:
 - Review evidence used in designations.
 - Publish an annual report on the activities, including the number of designations, appeals, and removals.

(b) Congressional Reporting

- DHS must submit an annual report to Congress detailing:
 - The total number of individuals and organizations designated.
 - The outcomes of all disputes adjudicated under Section 5.
 - An evaluation of whether the definitions and procedures in this Act remain effective.
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SECTION 7. PROTECTION OF CIVIL LIBERTIES

- This Act reaffirms that the First Amendment protects lawful thoughts, statements, or acts regardless of public or state perception of extreme beliefs.
 - No designation may be made based on extreme beliefs.
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SECTION 8. FUNDING AND IMPLEMENTATION

- Congress authorizes funding of \$50 million annually to DHS for implementing this Act, including oversight, transparency measures, and the independent review board.
 - The provisions of this Act shall take effect 180 days after its enactment.
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SECTION 9. SEVERABILITY

If any provision of this Act is found unconstitutional, the remainder shall not be affected and shall continue in full force and effect.

CONCLUSION

The terms ‘extreme’, ‘extremism’, and ‘extremist’, are non-standardized, non-legal public and state-based descriptions of thoughts, statements, and actions of individuals or

organizations that are perceived to be to the left or right of moderation, reasonableness, or lawfulness.

The **Extremism Definition and Oversight Act of 2025** ensures that thoughts, statements, and actions that are lawful, are not legally designated 'extreme', 'extremism', or 'extremist' without legal clarification, public disclosure, and due process remedies.

AUTHOR BIO – MARK HERR



Mark Herr is the visionary founder of the Center for Self Governance (CSG), an innovative educational organization dedicated to promoting the principles of individual, relational, and societal self governance; the American Social Science Association and the Washington Systematic Policy and Learning Center, national and state-based institutions created to promote the development and distribution of systematic policy and the networking of systematic practitioners.

With a profound belief in the power of informed laymen to shape their communities and nations, Mark has spent over a decade empowering individuals to understand and exercise their self-governance effectively and practice systematic politics competitively.

Mark is a sought-after speaker and educator, known for his engaging teaching style and ability to distill complex concepts into actionable insights. His work has been featured in various media outlets, and he continues to inspire individuals to take ownership of their role in maintaining their individual, relational, and societal self governance.

