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By Mark Herr

January 2, 2025

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Type of Paper: Policy

Civil Liberties Protection and Clarification Act for Domestic Terrorism

ABSTRACT

This legislation, titled the "**Civil Liberties Protection and Clarification Act for Domestic Terrorism**," seeks to amend the definition of domestic terrorism under 18 U.S.C. § 2331(5) to eliminate ambiguity, safeguard constitutional rights, and ensure that lawful expressions of thought, speech, and assembly are not misclassified as acts of terrorism.

The amendment redefines domestic terrorism to focus exclusively on violent conduct or threats of violence intended to cause imminent harm, significant disruption of critical infrastructure, or interference with government functions. It explicitly excludes lawful activities, such as peaceful protests, dissent, and advocacy, from falling under the definition of domestic terrorism, thereby preventing the erosion of First Amendment protections.

The legislation establishes robust civil liberties safeguards, including requirements for clear evidence of intent and action, prohibitions on preemptive or association-based designations, and protections for nonviolent advocacy. It introduces oversight mechanisms, such as judicial review and an independent civil liberties review board, to ensure compliance with constitutional principles and to provide transparency in the application of domestic terrorism laws.

By balancing national security with the preservation of individual freedoms, this amendment ensures that counterterrorism efforts do not undermine the democratic rights of U.S. citizens. The proposed changes aim to restore public trust in the equitable

enforcement of domestic terrorism statutes and prevent their misuse against lawful political, social, or environmental activities.

Proposed Amendment to 18 U.S.C. § 2331(5):

Section 1: Title and Purpose

This amendment, titled the "**Civil Liberties Protection and Clarification Act for Domestic Terrorism**," aims to ensure that the definition of domestic terrorism is precise, eliminating ambiguity while safeguarding the constitutional rights of U.S. citizens, including their freedoms of speech, assembly, and association.

Section 2: Amendment to 18 U.S.C. § 2331(5)

Subsection (A): Revised Definition of Domestic Terrorism

Section 2331(5) of Title 18, United States Code, is amended to read as follows:

(5) The term "domestic terrorism" means activities that—

(A) involve conduct that constitutes a violation of federal or state law and is intended to cause:

- (i) imminent death or serious bodily harm to any person or persons;
- (ii) substantial destruction of critical infrastructure, public facilities, or essential services with the intent and capability to cause widespread disruption or harm;
- (iii) significant interference with government functions through acts of violence or threats thereof.

(B) exclude activities protected under the Constitution, including but not limited to:

- (i) lawful expressions of dissent, protest, or assembly;
- (ii) statements of opinion, belief, or advocacy that do not incite imminent lawless action or directly lead to violence;
- (iii) activities undertaken in furtherance of lawful political, social, or environmental causes, provided such activities do not involve the use or threat of violence.

(C) occur primarily within the territorial jurisdiction of the United States.

Subsection (B): Enhanced Protections for Civil Liberties

1. Requirement of Intent and Action:

To classify conduct as domestic terrorism under this section, law enforcement must demonstrate clear intent to engage in violent acts or threats that meet the criteria outlined in Subsection (A)(i)-(iii). Mere association with a group, ideology, or belief is insufficient.

2. Prohibition on Preemptive Designations:

Individuals or groups shall not be labeled as domestic terrorists solely based on their membership in an organization, attendance at protests, or engagement in nonviolent civil disobedience.

3. Protections for Nonviolent Advocacy:

Nonviolent advocacy, including organizing, fundraising, and speaking on controversial issues, is explicitly excluded from classification as domestic terrorism.

Subsection (C): Oversight and Transparency Requirements

1. Judicial Review:

Any designation of an act or individual as domestic terrorism must be subject to judicial review to ensure compliance with constitutional protections.

2. Public Reporting:

Federal agencies shall publish an annual report detailing:

- Instances where the domestic terrorism definition has been applied.
- Measures taken to protect civil liberties in each case.

3. Independent Civil Liberties Review Board:

An independent board shall be established to review domestic terrorism investigations and ensure they are conducted in compliance with constitutional rights.

Section 3: Severability

If any provision of this amendment or its application is held invalid, the remainder of the law shall not be affected.

Section 4: Effective Date

This amendment shall take effect 180 days after the date of enactment, with training provided to law enforcement and federal agencies on its implementation.

CONCLUSION

The "**Civil Liberties Protection and Clarification Act for Domestic Terrorism**" represents a critical step toward harmonizing national security priorities with the fundamental civil liberties enshrined in the U.S. Constitution. By narrowing the definition of domestic terrorism, this legislation ensures that the term is applied with precision and fairness, targeting only those actions that pose a clear and imminent threat to public safety or governmental stability.

This amendment reinforces the principles of due process and protects the rights of citizens to engage in lawful speech, assembly, and advocacy without fear of undue scrutiny or misclassification as terrorists. Through robust oversight mechanisms, it promotes transparency and accountability in the enforcement of domestic terrorism laws, thereby mitigating the risk of governmental overreach.

In a democracy, the protection of civil liberties is not a secondary consideration but a cornerstone of societal strength. This legislation upholds that principle, fostering an environment where both security and freedom coexist. By enacting these reforms, Congress affirms its commitment to safeguarding the rights of all Americans while addressing genuine threats to national security.

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.