

Material Support for Terrorism

Supreme Court Ruling: Holder, Attorney General, et al. v. Humanitarian Law Project et al

It is a federal crime to “knowingly provide material support or resources to a foreign terrorist organization.” [18 U. S. C. §2339B(a)(1)]. In a Supreme Court Ruling on June 21, 2010, the Court decided whether non-violent ordinary activities which helped designated terrorist organizations (PKK and LTTE in this case) constitute “Material Support” for terrorism. In fact, the Court found that if someone washes dishes for, teaches hygiene to, or gives classes on First Aid to a designated terrorist organization, those activities constitute “Material Support.” Specifically, the Court wrote in its Opinion:

“The parties agree that the Government’s interest in combating terrorism is an urgent objective of the highest order, but plaintiffs argue that this objective does not justify prohibiting their speech, which they say will advance only the legitimate activities of the PKK and LTTE. Whether foreign terrorist organizations meaningfully segregate support of their legitimate activities from support of terrorism is an empirical question. Congress rejected plaintiffs’ position on that question when it enacted §2339B, finding that “foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.” §301(a), 110 Stat. 1247, note following §2339B. The record confirms that Congress was justified in rejecting plaintiffs’ view. The PKK and the LTTE are deadly groups. It is not difficult to conclude, as Congress did, that the taint of their violent activities is so great that working in coordination with them or at their command legitimizes and furthers their terrorist means. Moreover, material support meant to promote peaceable, lawful conduct can be diverted to advance terrorism in multiple ways. The record shows that designated foreign terrorist organizations do not maintain organizational firewalls between social, political, and terrorist operations, or financial firewalls between funds raised for humanitarian activities and those used to carry out terrorist attacks. Providing material support in any form would also undermine cooperative international efforts to prevent terrorism and strain the United States’ relationships with its allies, including those that are defending themselves against violent insurgencies waged by foreign terrorist groups.”

Investigatively, law enforcement agencies will be able to find unaffiliated groups unwittingly providing support to Muslim Brotherhood / Hamas entities. While the “Material Support” applies only to designated entities, individuals and entities working with known Hamas or Hamas support entities (CAIR, ISNA, NAIT, MSA) could, at a minimum, be interviewed as to their knowledge that these entities are Hamas (CAIR) or Hamas support entities (ISNA & NAIT). Local colleges/universities, religious leaders, media outlets, and businesses providing material support to MB/jihadi organizations should, at a minimum, be interviewed. If it is revealed they are knowingly supporting Hamas organizations, criminal investigations might be applicable. Aggressive policing in these matters will likely reveal threats to the community when you follow the Muslim Brotherhood network in your state.