

HOLDER V. HUMANITARIAN LAW PROJECT

MATERIAL SUPPORT AT THE SUPREME COURT

STEPHEN I. LANDMAN



www.investigativeproject.org

HLP: Material Support at the Supreme Court

Since September 11, 2001, the majority of “national security” cases to make it to the Supreme Court have dealt with America’s military strategy in the War on Terrorism—namely our policies at Guantanamo Bay.¹ Although these cases have focused on detention authority and due process rights in a time of war, they represent only one facet of what is at least a two-front war. Alongside our military efforts, the United States has been engaged in domestic law enforcement to target international terrorist groups long before September 11th.

At the forefront of *that* battle is the “material support” statute—18 U.S.C. § 2339B.² Although both maligned and lauded, subject to numerous amendments and frequent litigation, the constitutional challenges have never made their way to our nation’s highest court—until now.

This term, the United States Supreme Court will hear arguments in *Humanitarian Law Project v. Holder* (*HLP*) a case with significant national security implications. The case is already well underway, with briefs being submitted by both the government and a wide variety of interested *amici*³ on both sides. Oral arguments are scheduled for February 23, 2010, but there are a lot of materials and arguments to digest first.

This report will summarize and discuss the facts and arguments in *HLP*, attempting to put the challenge into context of everyday criminal prosecutions. Unlike most of the legal analysis sure to make it way into the press, this article will focus solely on the real-world, practical effects of the statute.

Part I will provide a brief overview of the litigation and background on the parties and issues involved. Tracing the procedural history of *Humanitarian Law Project* from its roots as an attempt to enjoin government counter-terrorism efforts in the 1990s to the Supreme Court 12 years later, the challenge serves as an excellent case-study for evaluating the constitutionality of a critical national security tool.

Part II will analyze the legal questions presented by the case from a policy standpoint. While briefly discussing the technical legal questions upon which the court will ultimately issue its ruling, this section will contextualize the case, explaining the possible implications of the court’s ruling.

* Stephen I. Landman, Director, National Security Law and Policy, Investigative Project on Terrorism. JD, Catholic University of America, Columbus School of Law, 2009. Please direct comments to stephen.landman@ctnews.org.

¹ See e.g., *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Rasul v. Bush*, 542 U.S. 466 (2004); *Hamdan v. Rumsfeld*, 548 U.S. 57 (2006); *Boumediene v. Bush*, 128 S. Ct. 2229 (2008).

² 18 U.S.C. 2339B (2002) (enacted as part of the Anti-Terrorism and Effective Death Penalty Act, Pub. L. No. 104-132, Title III, § 303(a), 110 Stat. 1250 (1996)). See also *A Review of the Material Support to Terrorist Prohibition: Hearing Before the S. Comm. on the Judiciary*, 109th Congress. (April 20, 2005) (statement of Barry Sabin, Chief, Counterterrorism Section of the Criminal Division, Department of Justice); *Oversight Hearing: Aiding Terrorists—An Examination of the Material Support Statute: Hearing Before the S. Comm. On the Judiciary*, 109th Cong. (May 5, 2004) (statement of Robert M. Chesney, Assistant Professor of Law, Wake Forest University School of Law) (explaining that practical purpose of the rule, “section 2339B provides a criminal sanction for anyone who supports a foreign terrorist organization designated by the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury”).

³ See, *Amicus Curiae*, Black’s Law Dictionary (8th ed. 2004) (defining the term as “a person who is not a party to a lawsuit but who petitions the court or is requested by the court to file a brief in the action because that person has a strong interest in the subject matter”).

I. *Humanitarian Law* Makes Its Way to the Supreme Court

The petitioners in this case—a retired judge, a doctor, a human rights organization, and several nonprofit groups⁴—were engaged in advocacy and support for the Kurdistan Workers Party (PKK)⁵ and the Liberation Tigers of Tamil Eelam (LTTE).⁶ On behalf of, and in concert with, these groups, petitioners provided a wide array of assistance to both the PKK and LTTE. As the petitioner’s brief explains, the Humanitarian Law Project and other supporters of the PKK:

“[p]rovide training in the use of humanitarian and international law for the peaceful resolution of disputes, engage in political advocacy on behalf of the Kurds living in Turkey, and teach the PKK how to petition for relief before representative bodies like the United Nations.”⁷

Similarly, the Tamil organizations:

⁴ See Opening Brief for Humanitarian Law Project, *et al*, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89 at 10 (identifying the nonprofit groups included: Humanitarian Law Project; Ralph Fertig; Ilankai Thamil Sangam; Tamils of Northern California; Federation of Tamil Sangams of North America; World Tamil Coordinating Committee; and Nagalingam Jeyalingam).

⁵ See generally, *Country Reports on Terrorism, 2008*, United States Department of State (2009), available at, <http://www.state.gov/documents/organization/122599.pdf>. The PKK was founded in 1974 for the purpose of establishing an independent Kurdish state in Southeastern Turkey. *Id.* at 104. Since its inception, the organization has waged a violent insurgency that has claimed over 22,000 lives. *Id.* In the 1990s, the PKK conducted terrorist attacks on Turkish targets throughout Western Europe; it also targeted areas of Turkey frequented by tourists. *Id.* For instance, in 1996, PKK members hijacked a bus in Turkey and kidnapped two passengers, one of whom was a U.S. citizen. *Id.* Earlier, the PKK claimed responsibility for a series of bombings in Istanbul that killed two people and wounded at least ten others, including a U.S. citizen. *Id.* In 1993, the PKK firebombed five sites in London. *Id.* In a separate incident that year, it kidnapped tourists from the United States and New Zealand and held them hostage. *Id.* Historically, support for the PKK has come from an extensive network of displaced Kurds living throughout Europe, and a number of governments including Syria, Iraq, and Iran. *Id.* In addition, the PKK has availed itself of a number of PKK-run NGOs and charitable organizations that basically serve to launder money raised through contributions. See ADL PKK Fact Sheet, at http://www.adl.org/terrorism/symbols/pkk_1.asp.

⁶ See generally *People’s Mujahedin Org. of Iran v. United States Dep’t of State*, 182 F.3d 17, 19-20 (D.C. Cir. 1999). The Tamil Tigers were founded in 1976 for the purpose of creating an independent Tamil state in Sri Lanka. *Id.* at 19. The organization has used suicide bombings and political assassinations in its campaign for independence, killing hundreds of civilians in the process. *Id.* In 1996, the Tamil Tigers exploded a truck bomb at the Center Bank in Colombo, Sri Lanka, killing 100 people and injuring more than 1400. *Id.* The following year, the group exploded another truck bomb near the World Trade Center in Colombo, Sri Lanka, injuring 100 people, including 7 U.S. citizens. *Id.* In 1998, a Tamil Tiger suicide bomber exploded a car bomb in Maradana, Sri Lanka, killing 37 people and injuring more than 238 others. *Id.* In addition, throughout the 1990s, the Tamil Tigers carried out several attacks on Sri Lankan government officials, killing the President, the Security Minister, and the Deputy Defense Minister. *Id.* Relies on sympathetic Tamil expatriates residing in the U.S., Canada, the United Kingdom, Australia, France, and several other countries to raise and launder money; smuggle arms, explosives, equipment, and technology into LTTE-controlled territory; obtain intelligence about the Sri Lankan government and spread propaganda. See Press Release, Dept of Justice, Leader of American Branch of Sri Lankan Terrorist Group Arrested and Charged with Providing Material Support to a Foreign Terrorist Organization (April 25, 2007), <http://www.justice.gov/usao/nye/pr/2007/2007Apr25.html>.

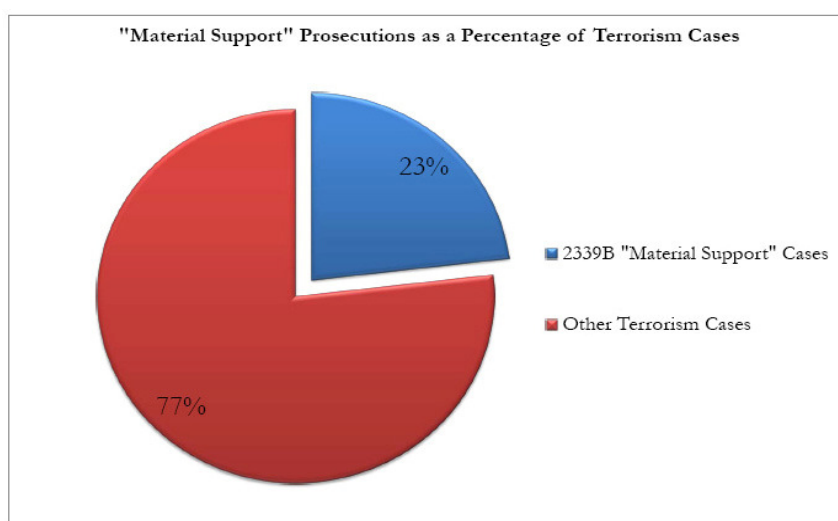
⁷ Opening Brief for Humanitarian Law Project, *et al*, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89 at 10.

HLP: Material Support at the Supreme Court

“Seek to provide training in the presentation of claims to mediators and international bodies for tsunami-related aid, offer legal expertise in negotiating peace agreements between the LTTE and the Sri Lankan government, and engage in political advocacy on behalf of Tamils living in Sri Lanka.”⁸

Although the petitioners were engaged in these activities for quite some time, they were forced to cease on October 8, 1997 once the U.S. State Department designated the PKK and LTTE as “Foreign Terrorist Organizations” (FTO).⁹

Under U.S. law, it is a crime for any person to provide “material support or resources” to a designated FTO.¹⁰ Known as the “material support” law, 18 U.S.C. § 2339B has become the cornerstone in U.S. counter-terrorism efforts.¹¹



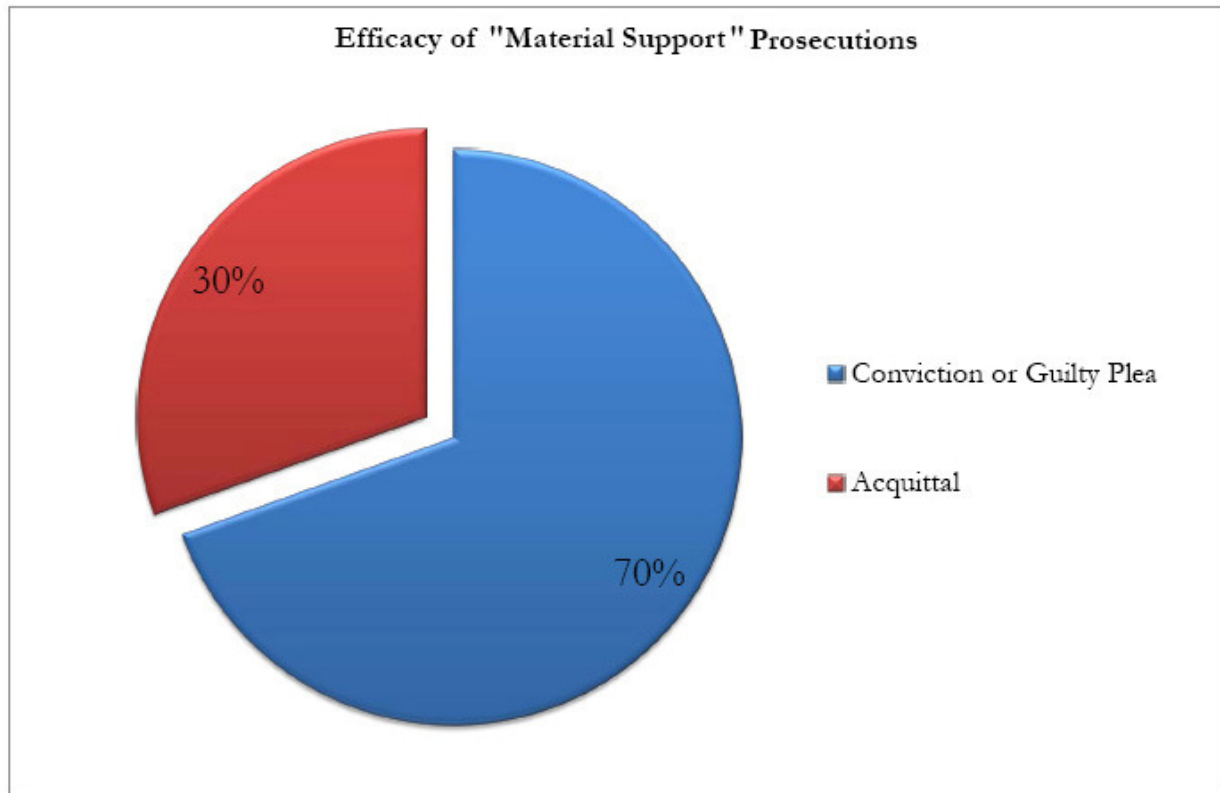
⁸ *Id.* at 11.

⁹ See 62 Fed. Reg. 52, (Oct. 8, 1997). The PKK has never sought judicial review of its designation. See *Humanitarian Law Project v. Reno*, 9 F. Supp. 2d 1176, 1180 (C.D. Cal. 1998). The LTTE sought judicial review, but the federal appellate court, the District of Columbia Circuit, upheld its designation. See *People's Mujahedin Org. of Iran v. United States Dep't of State*, 182 F.3d 17 (D.C. Cir. 1999).

¹⁰ 18 U.S.C. § 1189(a)(1) authorizes the Secretary of State “to designate an organization as a foreign terrorist organization...if the Secretary finds that (A) the organization is a foreign organization; (B) the organization engages in terrorist activity...; and (C) the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.” Currently, 45 organizations are designated FTO's including the PKK, LTTE, Hamas, and other terrorist groups that regularly appear on newspaper front pages due to their heinous and atrocious actions. *Foreign Terrorist Organizations*, United States Department of State, Office of the Coordinator for Counterterrorism (Jan. 19, 2010) available at <http://www.state.gov/s/ct/rls/other/des/123085.htm>. See also Audrey Kurth Cronin, *The “FTO List” and Congress: Sanctioning Designated Foreign Terrorist Organizations*, CRS Report No. RL 32120 (Oct. 21, 2003) (discussing the process of designating an individual or entity as a terrorist organization. See also *Specially Designated Nationals List*, United States Department of Treasury, Office of Foreign Assets Control, available at <http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf> (compilation of all U.S. designation lists).

¹¹ See *A Review of the Material Support to Terrorism Prohibition: Hearing Before the Subcomm. On Terrorism and Homeland Security of the S. Comm. On the Judiciary*, 109th Cong. (April 20, 2005) (statement of Andrew McCarthy) (“material support statutes have become the backbone of anti-terrorism enforcement since they were enacted in 1996). See also *Terrorist Trial Report Card*, New York University: Center on Law and Security (Jan. 2010), available at <http://www.lawandsecurity.org/publications/TTRCFinalJan14.pdf>.

Since 2001, the United States has charged approximately 150 defendants with violations of 18 U.S.C. 2339B, and to date approximately 75 defendants have been convicted.¹²



The statute defines “material support or resources” as:

“Any property, tangible or intangible, or *service*, including currency or monetary instruments or financial securities, financial services, lodging, *training, expert advice or assistance*, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, *personnel* (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.”¹³

Realizing that U.S. law now proscribed their efforts on behalf of the PKK and LTTE, on March 18, 1998 petitioners filed a complaint in federal court to bar the government from enforcing the statute against them.¹⁴ In support of this request, petitioners alleged that the “material support” law violated their First and Fifth Amendment rights in that it prevented them from providing

¹² *Terrorist Trial Report Card*, New York University: Center on Law and Security (Jan. 2010), available at <http://www.lawandsecurity.org/publications/TTRCFinalJan14.pdf>.

¹³ 18 U.S.C. § 2339B (2002) (enacted as part of the Anti-Terrorism and Effective Death Penalty Act (AEDPA), Pub. L. No. 104-132, Title III, § 303(a) (emphasis added).

¹⁴ *Humanitarian Law Project v. Reno*, 9 F. Supp. 2d 1205 (C.D. Cal. 1998).

HLP: Material Support at the Supreme Court

non-violent support in the form of humanitarian aid and advocacy.¹⁵ That initial complaint resulted in a multitude of legal challenges and legislative amendments, all aimed at producing a statute that could be used to destroy the terrorist support structure while not infringing on Constitutional rights.¹⁶

The most recent incarnation of the *Humanitarian Law Project* litigation, and the case which the Supreme Court has agreed to hear, was decided on December 10, 2007.¹⁷ In that opinion, the Court of Appeals for the Ninth Circuit held that the terms “training,” “expert advice or assistance,” and “service” were unconstitutionally vague, while the last challenged provision “personnel” was not.¹⁸ Both the Government and the petitioners appealed this decision, asking the Supreme Court to re-evaluate the constitutionality of the “material support” statute.

With its grant of certiorari to the case, the Supreme Court officially undertook to decide one broad question:

“Whether 18 U.S.C. 2338B(a)(1), which prohibits the knowing provision of ‘any...service...training, [or] expert advice or assistance,’ to a designated foreign terrorist organization, is unconstitutionally vague; Whether the criminal prohibition in 18 U.S.C. § 2339B(a)(1) on the provision of ‘expert advice or assistance’ ‘derived from scientific [or] technical...knowledge’ and ‘personnel’ are unconstitutional with respect to speech that furthers only lawful, nonviolent activities of proscribed organizations.”¹⁹

Simplified, the Supreme Court has agreed to consider the constitutionality of certain provisions²⁰ of the material support statute under both the First and Fifth Amendment.²¹ Each of these

¹⁵ *Id.* at 1215. Of note, the court explained that the AEDPA does not criminalize mere membership but rather “conduct that provides ‘material support or resources’ to a designated foreign terrorist organization.” *Id.*

¹⁶ See e.g., *Oversight Hearing: Aiding Terrorists—An Examination of the Material Support Statute: Hearing Before the S. Comm. On the Judiciary*, 109th Cong. (May 5, 2004) (statement of Robert M. Chesney, Assistant Professor of Law, Wake Forest University School of Law) available at http://judiciary.senate.gov/hearings/testimony.cfm?id=1172&wit_id=3394.

¹⁷ *Humanitarian Law Project v. Mukasey*, 509 F.3d 1122 (9th Cir. 2007). The appeal challenged Sections 302 and 303 of the AntiTerrorism and Effective Death Penalty Act (AEDPA) and its 2004 amendments, the Intelligence Reform and Terrorism Prevention Act (IRTPA). *Id.*

¹⁸ *Id.*

¹⁹ See Petition for a Writ of Certiorari, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89 (June 4, 2009).

²⁰ The Four provisions are: (i) “training,” defined as —“instruction or teaching designed to import a specific skill, as opposed to general knowledge” 18 U.S.C. 2339A(b)(2); (ii) “expert advice or assistance,” defined as —“advice or assistance derived from scientific, technical, or other specialized knowledge” 18 U.S.C. 2339A(b)(3); (iii) “service,” defined as “an act done for the benefit or command of another” or to “useful labor that does not produce a tangible commodity” 18 U.S.C. 2339A(b)(2); and (iv) “personnel,” defined as “1 or more individuals” who “work under the terrorist organization’s direction or control or [who] organize, manage, supervise, or otherwise direct the operation of that organization.” 18 U.S.C. § 2339B(h).

²¹ In both cases, petitioners argue, it is impossible to tell what type of conduct is forbidden, and the possibility of criminal sanctions for otherwise innocent conduct should render the statute void. See e.g., Opening Brief for Humanitarian Law Project, *et al*, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89, at 43 (“the challenged provisions independently violate the First Amendment because they impermissibly criminalize pure political speech advocating lawful, nonviolent activity, and discriminate on the basis of the speech’s content. Although this article will not discuss the legal analysis in depth, a brief summary of the arguments may be useful here. Under well-recognized Supreme Court precedent, a statute is unconstitutionally vague if it causes “men of

challenges are multifaceted and have a substantial amount of overlap;²² however, they all, to some degree, require the Court to resolve one macro issue—can the U.S. government make groups designated as FTOs “nuclear” by proscribing any and all aid to them? Setting aside the legal technicalities at play in this case, the remainder of this article will consider the policy implications of the Court’s eventual decision.

II. Making FTO’s “Nuclear:” Proscribing All Support

The material support statute proscribes *almost all* services and support to designated FTOs. The breadth of the statute evidences Congress’ recognition that, as Arizona U.S. Sen. Jon Kyl put it:

“Foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that *any* contributions to such an organization facilitates that conduct.”²³

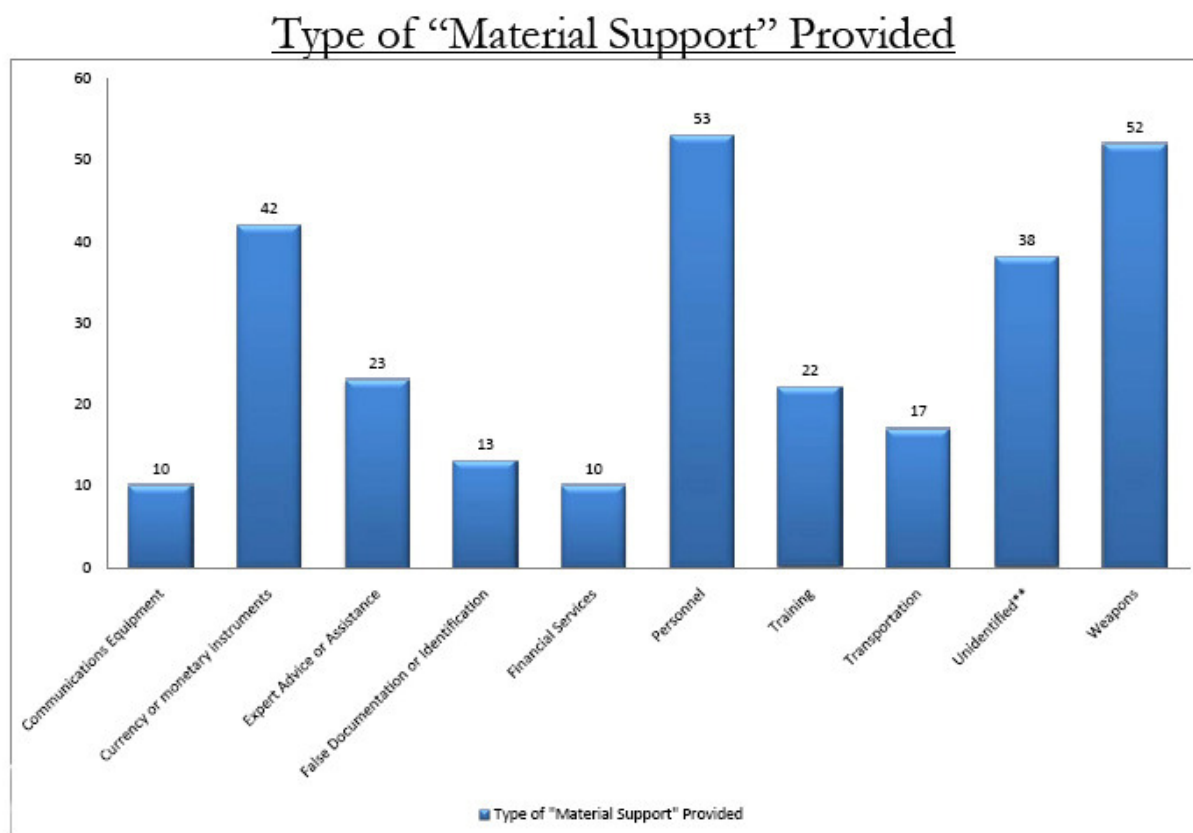
common intelligence...necessarily [to] guess at its meaning and [to] differ as to its application. *See Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926). While the petitioners argue that “all four provisions require ordinary persons to guess at their meaning,” the government responds that the statute’s terms are sufficiently clear to provide notice to persons of ordinary intelligence.” *Id.*

²² The petitioners argue that each of these definitions is ambiguous, open to interpretation, and does not appropriately draw the lines between criminal behavior and permitted behavior, with even more disastrous consequences in light of the penalty for violating the statute—a 15 year sentence. *See e.g.*, Opening Brief for Humanitarian Law Project, *et al*, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 26 (discussing training and explaining that it “requires individuals to draw impossible distinctions between prohibited instruction in ‘a specific skill’ and permissible instruction in ‘general knowledge’”); *Id.* at 29 (discussing expert advice or assistance and explaining that the ban “directly criminalizes speech and forces plaintiffs to guess whether any aspects of their advice could be said to ‘derive from scientific, technical, or other specialized knowledge’”); *Id.* at 35-36 (discussing Service and explaining that “a reasonable person could not distinguish between ostensibly permitted membership and association on the one hand, and ‘service,’ on the other,”); *Id.* at 38 (discussing personnel and explaining that “does not provide an adequate distinction between membership in or affiliation with a designated group, which the government has said the statute permits.”). In each case, the government responds with the same argument. While petitioners argue that the terminology is unconstitutionally vague, the terms are apparently sufficiently intelligible that petitioners’ brief repeatedly uses them to describe their proposed conduct.²² Moreover, as the government repeatedly explains, the mere existence of a possibility of ambiguity does not invalidate the laws. *See e.g.*, Brief for Eric H. Holder, Attorney General, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 21 (“At every opportunity throughout this litigation, petitioners have represented that they want to instruct the PKK and LTTE not on abstract of academic subjects but on a specific skill: how to petition international bodies like the UN more effectively. Petitioners may not believe such activity to be harmful, but they must understand, as all reasonable observers would, that the activity is covered by the statute’s terms”).

²³ Humanitarian Law v. Reno, 205 F.3d at 1136 (“there is no way to control the manner in which the donations are used. Even contributions earmarked for peaceful purposes can be used to give aid to the families of those killed while carrying out terrorist acts”). *See also* Humanitarian Law Project v. Mukasey, at 16163 (“because the AEDPA section 2339B is not aimed at expressive conduct and because it does not cover a substantial amount of protected speech, we hold that the prohibition against providing ‘material support or resources’ to a foreign terrorist organization is not facially overbroad”); Michael Kraft, Letter to the Editor, *What an AntiTerrorism Law Bans*, WASHINGTON POST (Oct. 30, 2007), at A14 (“terrorist groups that run clinics or schools use these operations to recruit supporters and potential operatives. Funds for this purpose are more important than the small amount of money needed to assemble suicide bombs”).

HLP: Material Support at the Supreme Court

To that end, federal prosecutors have treated almost any and all support to terrorist groups as criminal, employing the statute over a hundred times to punish the provision of, among other things, financial assistance,²⁴ communications equipment,²⁵ and weapons.²⁶



Despite the efficacy of the statute, its use has not been without controversy.²⁷

As with all earlier lower court challenges, petitioners in the instant case and their *amici* take great pains to concede the compelling interest that the U.S. government has in cutting off support

²⁴ See e.g., Indictment, United States v. Elashi, 3:02-CR-052-R (N.D. TX 2002), available at http://www.investigativeproject.org/documents/case_docs/78.pdf (convicted on July 4, 2006 of providing financial services to Hamas); Superseding Indictment, United States v. Holy Land Foundation for Relief and Dev., 3:04-CR-240-G (N.D. TX 2005), available at http://www.investigativeproject.org/documents/case_docs/728.pdf (convicted on November 24, 2008 of providing financial services to Hamas).

²⁵ See e.g., Indictment, United States v. Ramirez, 07-CR-248 (D.D.C. 2007).

²⁶ See e.g., Indictment, United States v. Kassir, 07-CR-354 (S.D.N.Y. 2007), available at <http://www.justice.gov/opa/pr/2008/June/08-nsd-533.html> (convicted on May 29, 2007 of providing weapons to the FARC); Indictment, United States v. Sarachandran, 06-CR-615 (E.D.N.Y. 2006), available at <http://www.justice.gov/usao/nye/pr/2007/2007Apr25.html> (convicted on September 14, 2006 of providing weapons and other services to the Tamil Tigers); Indictment, United States v. Shorbagi, 4:06-CR-062-HLM (N.D. Ga. 2006), available at http://www.investigativeproject.org/documents/case_docs/351.pdf (convicted on August 28, 2006 of providing weapons to Hamas).

²⁷ Although HLP is the first opportunity for the Supreme Court to rule on the validity of the material support law, lower federal courts have been grappling with these issues for over a decade now.

to terrorist groups. In doing so, however, they always include the caveat that not *all* support to terrorist groups should be proscribed. The two most common arguments, both of which are present in the instant case, are that: (i) individuals should be able to provide non-violent types of support to terrorist groups; and (ii) individuals should be able to provide any support to the so-called non-violent “wings” of terrorist groups. For example, in the opening brief, petitioners explain that:

“[T]his case does *not* involve the propriety of banning financial or other tangible support to terrorist organizations. Nor does it involve speech advocating or teaching *criminal* or *violent* activity. Plaintiffs here seek only to safeguard their right to promote lawful, nonviolent activities through pure speech.”²⁸

It is clear from these arguments that there is an ongoing policy debate over whether or not American citizens should be able to provide *any* support to a designated Foreign Terrorist Organization. Even as the Supreme Court considers the legal merits of the parties’ arguments, it must also consider the real world effects of its decision.

A. Allow “Humanitarian” and Non-Violent Support

While there are few people who would argue that anyone should be able to provide “safe houses,” “false documentation or identification,” “communications equipment,” “facilities,” “weapons,” “lethal substances,” or “explosives” to terrorist groups, there are plenty of people who continue to believe that they should be able to provide other support to these groups—typically because they want to support the non-violent activities of the group. As one *amicus* explained:

“Unlike money or weapons, information is not fungible. Learning about non-violent alternatives does not enhance the ability to make bombs; nor does communication with a researcher or journalist who seeks to expand the store of public information about a group.”²⁹

Whether this assertion is true or not, as the government argues, there is no question that the statute has impeded the activities of terrorist groups—both their violent and non-violent acts. While the government would argue that this is the *purpose* of the statute, petitioners provide a number of concrete examples of the types of support that would be *potentially* proscribed if the law stands. It is important to highlight only that these activities *might* be prosecuted, not that they actually have. Among the activities that *amici* claim they engage are:

²⁸ Opening Brief for Humanitarian Law Project, *et al*, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 17.

²⁹ Amicus Brief of Academic Researchers and the Citizen Media Law Project in support of Humanitarian Law Project, *et al*, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 27.

HLP: Material Support at the Supreme Court

- Pursuit of humanitarian or peace-building agendas by providing instruction in non-violence.³⁰
- Direct engagement with parties to violent hostilities in order to resolve conflicts peacefully.³¹
- Training in human rights, rule of law, and peace advocacy directed specifically towards violent actors.³²
- Engaging in scholarly research that requires the communication with the subjects of their study in order to “perform responsible research.”³³
- Acting as journalists which requires reporters to make every effort to communicate with the persons and groups about whom their report.³⁴

All of these acts, as petitioners and their *amici* explain, “require direct engagement with groups and individuals that resort to or support violence, including some that are, have been, or might in the future be designated as FTOs.”³⁵ While these may all be valuable services, they come at the price of propping up designated FTOs.

³⁰ Amicus Brief of Carter Center, Christian Peacemakers, Human Rights Watch, et al, in support of Humanitarian Law Project, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89, at 13 Such teams currently operate in northern Iraq, Columbia, and the West Bank. These teams provide, among other things, reconciliation and non-violence training at the request of local non-governmental organizations. Participants may include individuals who are members of groups that engage in violence. These sessions are designed to educate participants about the history of various non-violent social change movements; explain the benefits, effectiveness, and legitimacy of non-violent approaches; teach specific techniques of non-violent resistance and reconciliation; and advise participants on how to put these techniques to concrete use. *Id.*

³¹ *Id.* at 16 (“Peace Appeal Foundation engages with all parties to violent conflicts to help them design and implement dialogue and negotiation support structures that underlie peacemaking efforts....PAF has engaged in this kind of work where parties to a conflict include groups that have been or may in the future be designated as FTOs.

³² *Id.* at 18 (“Human Rights Watch investigates human rights abuses in the field, documents its findings in human rights reports, and advocates with the perpetrators of those abuses to cease their unlawful actions.... Over the years, HRW has put considerable effort into documenting human rights violations committed by militant groups, some of which have been designated as terrorist organizations by the United States”).

³³ Amicus Brief of Academic Researchers and the Citizen Media Law Project in support of Humanitarian Law Project, et al, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89, at 12 (“Amici include an anthropologist who studies peacemaking missions and the effect of both internal and external culture on the missions’ success....In communicating his findings through scholarly writings, he routinely presents the views of the people and groups whom he has studied...Yet if the armed insurgents whom he studies were to be classified as foreign terrorist organizations by the U.S. government, could his extended interactions with them and his presentation of their views be construed by the government as the provision of a ‘service’ or ‘personnel’?”); See also *Id.* (“amici include an anthropologist who studies the manner in which ordinary Palestinians respond to the pervasive, ongoing violence that surrounds them. As part of her research, she has walked alongside marchers in so-called ‘martyr funerals,’ public events honoring those who have died in the Israeli-Palestinian conflict, including suicide bombers.”).

³⁴ *Id.* at 13 (“one major U.S. daily newspaper published a series of articles about jihadists, aiming to ‘examine how they are working to expand the reach of radical Islam.’...Could the government deem the presentation of the group’s views to be a “service provided to the organization?”); see also “Media outlets regularly post or broadcast documents and videos produced and distributed by designated foreign terrorist organizations...U.S. newspapers also occasionally publish opinion pieces of informational value to the public written by representatives of designated foreign terrorist organizations”).

³⁵ Amicus brief of Carter Center, Christian Peacemakers, Human Rights Watch, et al, in support of Humanitarian Law Project, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89, at 2 (explaining that, “for example,

B. Ban All Support

Those in support of a broad ban on support to terrorist groups recognize, as Congress did when it passed the material support law, that the designation process was intended to make FTOs “radioactive.”³⁶ While providing an exception for legitimate First Amendment protected activities, the law is intended to ban practically all other support, whether violent or non-violent, to designated FTOs. Congress intentionally wrote the statute broadly for two reasons. First, Congress recognized that the lines between “non-violent” and “violent” wings of terrorist groups represents a distinction without a difference. Moreover, Congress realized that any support given, even if non-violent, can be used to prop up terrorist groups.

As noted counter-terrorism expert Matthew Levitt has explained, attempts to parse terrorist groups into good and evil has created a “myth of terrorist wings.” As one *amicus* argues:

“Petitioners claim that DFTO’s can surgically separate violent and nonviolent tactics. However, the overwhelming weight of social science research and case law indicates that DFTOs structure their nonviolent activities to enhance their capacity for methodical campaigns of violence.”³⁷

Similarly, and just as much a fallacy, is the idea that individuals can provide “humanitarian” assistance to terrorist groups without also supporting violence. As another *amicus* explains:

“Whatever political or religious cause the terrorist organization declares, whatever humanitarian activities the organization engages in, the organization exists to perpetrate violence. To effectively curtail FTO fundraising, Congress determined that all

effective conflict resolution often requires negotiating and mediating with armed actors, and providing each side to a conflict with strategic advice or expertise. Effective advocacy for peace often requires direct persuasion and lobbying of armed actors to choose non-violent means to achieve their ends. Effective human rights advocacy often requires directly persuading the perpetrators of abuses to cease their rights-violating practices, explaining to the perpetrators their obligations under human rights and humanitarian law, and advising the perpetrators how to comply with those obligations. Similarly, effective aid distribution, disaster relief, and development efforts in conflict zones where violent actors dominate may require advising, sharing expertise, and negotiating with local partners, some of whom may personally support or be members of groups that engage in violence”).

³⁶ Amicus brief of the Anti-Defamation League in Support of the Attorney General, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 14 (explaining that “The State Department has articulated five substantive advantages in the fight against terrorism that are realized through designating terror organizations as FTOs: (i) it curbs terrorism financing and encourages other countries to do the same; (ii) it stigmatizes and isolates FTO’s internationally; (iii) it deters donations and contributions and economic transactions with FTO; and (iv) it increases “public awareness and knowledge of terrorist organizations”, and (v) it signals to other governments the US’s concerns about the FTOs”).

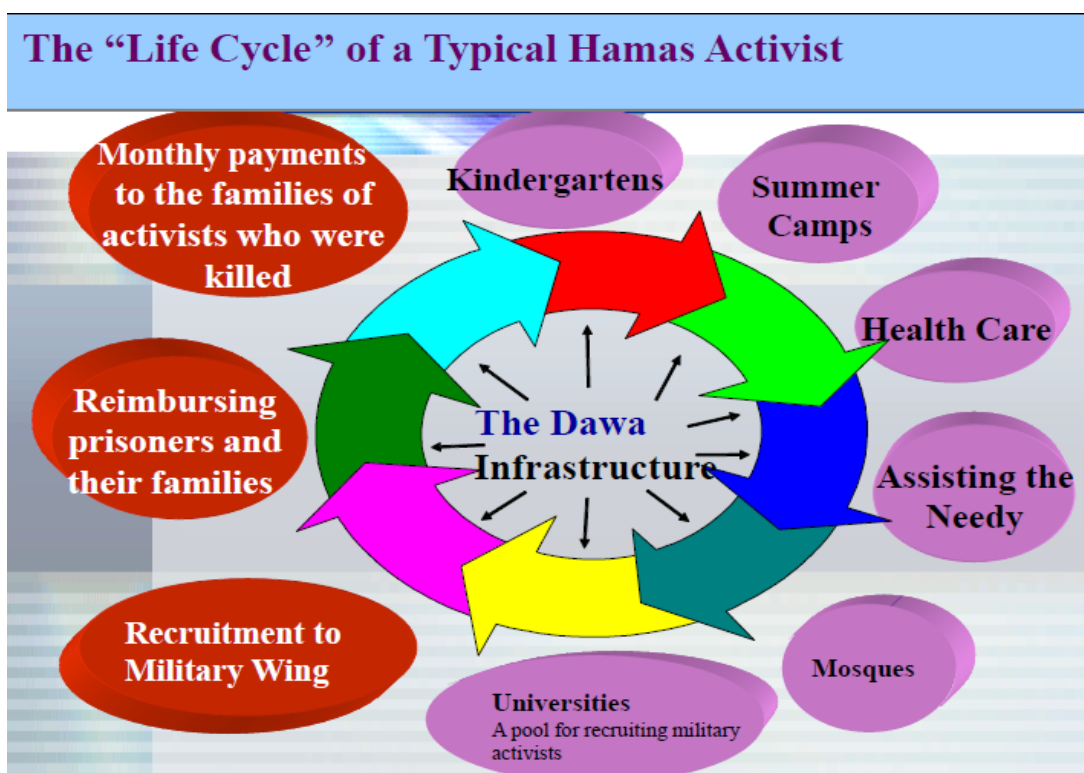
³⁷ Amicus brief of Scholars, Attorneys, and Former Public Officials with Experience in Support of the Attorney General, Holder v. Humanitarian Law Project, *et al*, No. 08-1498 and 09-89, at 7; See also Amicus of Scholars, Former Attorneys at 55. According to the State Department, “it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal terrorist functions,” because they “do not maintain organizational firewalls that would prevent or deter such sharing and commingling of support and benefits.” *Id.*

HLP: Material Support at the Supreme Court

contributions—even those purported to advance allegedly lawful functions of a terrorist organization—be prohibited.”³⁸

Part of the disconnect in this area stems from an unwillingness of critics and sympathetic judges to accept that all resources, not just cash, are fungible. Assistance to the charitable, social service, and educational activities provided by FTOs can be just as dangerous as weapons. These programs are the means terrorist groups use to maintain their position in the community, and nurture potential terrorists and keeping them on a path to violence, destruction, and murder. As Bruce Hoffman, an internationally recognized terrorism expert, explained in his testimony during the prosecution of the Holy Land Foundation, charity by terrorist organizations is different from those of truly charitable organizations because a terrorist organization’s deeds are “self-serving.”³⁹ In other words, Hoffman said, terrorist organizations perform charitable work in order to “exercise control over the population.” For example, most terrorist groups with social arms run or support schools and hospitals, allowing them to indoctrinate their local population and gain their support.

Similarly, as Levitt described during the same prosecution, terrorist groups maintain a broad-based social services network to ensure their continued support from the community.⁴⁰



³⁸ Amicus brief of Center for Constitutional Jurisprudence and the Center for Law and Counterterrorism in Support of the Attorney General, *Holder v. Humanitarian Law Project, et al.*, No. 08-1498 and 09-89, at 19.

³⁹ *Expert Witness: Social Support a Staple of Terrorist Groups*, Investigative Project on Terrorism (Oct. 23, 2008), available at <http://www.investigativeproject.org/795/expert-witness-social-support-a-staple-of-terrorist-groups>.

⁴⁰ *Presentation: United States v. the Holy Land Foundation*, available at www.sas.com/events/cm/647913/HLF-Presentation-8-20-09.pdf (discussing the prosecution and highlighting the testimony of Matt Levitt).

In explaining the role that these putatively non-violent programs have in propping up terrorist groups, one *amicus* stated:

“[s]chools and mosques run by terrorist groups, also underwrite indoctrination and recruitment into violence...The provision of public goods such as education, health services, and welfare by terrorist groups also deters defection, since a defector and his family lose entitlement to the public goods.”⁴¹

CONCLUSION

This is the first opportunity that the Supreme Court will have to put its imprimatur on post-9/11 domestic counter-terrorism enforcement. More than anything else, this case represents an opportunity for the court to declare that *all* support given to terrorist groups is fungible. Even the provision of seemingly benign services bolsters a terrorist organization’s efficacy and strength in a community. Although effective implementation of this statute may deprive terrorist groups of legitimately non-violent support, that is a cost that is justifiable and necessary when balanced against the efficacy of the statute.

⁴¹ Amicus brief of Scholars, Attorneys, and Former Public Officials with Experience in Support of the Attorney General, *Holder v. Humanitarian Law Project, et al*, No. 08-1498 and 09-89, at 13.

Appendix A*

<u>Defendant</u>	<u>District</u>	<u>Organization</u>	<u>Type of Support</u>	<u>Charging Date</u>	<u>Conviction or Guilty Plea</u>
Harb, Said	WDNC	Hizballah	Currency	28-Mar-01	Yes
Sattar, Ahmed Abdel	SDNY	Egyptian Islamic Jihad	Personnel	9-Apr-02	Yes
Stewart, Lynn	SDNY	Egyptian Islamic Jihad	Personnel	9-Apr-02	Yes
Yousry, Mohammed	SDNY	Egyptian Islamic Jihad	Personnel	9-Apr-02	Yes
Al-Saoub, Habis Abdulla	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	No
Battle, Jeffrey Leon	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	Yes
Bilal, Ahmed Ibrahim	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	Yes
Bilal, Muhammad Ibrahim	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	Yes
Ford, Patrice Lamumba	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	Yes
Lewis, October Martinique	DOR	al Qaida	Personnel; Training; Currency	3-Oct-02	Yes
Galab, Faysal	WDNY	al Qaida	Personnel	21-Oct-02	Yes
Goba, Yahya	WDNY	al Qaida	Personnel	21-Oct-02	Yes
Mosed, Shafal	WDNY	al Qaida	Personnel	21-Oct-02	Yes
Taher, Yassein	WDNY	al Qaida	Personnel	21-Oct-02	Yes
Afridi, Muhammed Abid	SDCA	al Qaida	Currency; Weapons	30-Oct-02	Yes
Ali, Ilyas	SDCA	al Qaida	Currency; Weapons	30-Oct-02	Yes
Shah, Syed Mustajab	SDCA	al Qaida	Currency; Weapons	30-Oct-02	Yes
Jensen, Uwe	SDTX	AUC	Currency; Weapons	4-Dec-02	Yes
Puerta, Edgar Fernando Blanco (Commandante Emilio)	SDTX	AUC	Currency; Weapons	4-Dec-02	Yes
Ruiz Elkin Arroyave	SDTX	AUC	Currency; Weapons	4-Dec-02	Yes
Vanela, CARLOS Ali Romero	SDTX	AUC	Currency; Weapons	4-Dec-02	Yes
Al-Moayad, Mohammed Ali Hasan	EDNY	al Qaida	N/A	4-Jan-03	No
Zayed, Mohammed Moshen Yahya	EDNY	al Qaida	N/A	4-Jan-03	No
Makki, Hassan Moussa	EDMI	Hizballah	Monetary Instruments	23-Jan-03	Yes
al Arian, Sami Amin	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	Yes
Awda, Abd al-Aziz	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	No
Baliut, Ghassan Zayed	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	No

Appendix A*

Fariz, Hatim Naji (Hatem)	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	Yes
Hammoudeh, Sameeh	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	No
Nafi, Bashir Musa Mohammed	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	No
Shallah, Ramadan Abdullah	MDFL	Palestinian Islamic Jihad	Expert Advice or Assistance; Personnel; currency	19-Feb-03	No
Aybar-Cancho, Jose Luis	SDFL	FARC	Weapons	25-Mar-03	No
Aybar-Cancho, Luis Frank	SDFL	FARC	Weapons	25-Mar-03	No
Farris, Iyman	EDVA	al Qaida	Expert Advice or Assistance	30-Apr-03	Yes
Hawash, Maher Mofeld	DOR	al Qaida	Personnel; Training; Currency	2-May-03	Yes
al Badawi, Jamal Ahmed Mohammed Ali	SDNY	al Qaida	Personnel; Training; Currency; Weapons	12-May-03	No
al Quso, Fahd	SDNY	al Qaida	Personnel; Training; Currency; Weapons	12-May-03	No
Arroyave, Diego Alberto Ruiz	SDTX	AUC	Weapons	14-May-03	No
Barrera-de Amaris, Fanny Cecilia	SDTX	AUC	Weapons	21-May-03	Yes
Romero-Panchano, Carlos Adolfo	SDTX	AUC	Weapons	21-May-03	Yes
Khan, Massoud Ahmad	EDVA	Lashkar e-Taiba	Weapons	25-Jun-03	Yes
Royer, Randall, Todd	EDVA	Lashkar e-Taiba	Weapons	25-Jun-03	Yes
Paracha, Uzair	SDNY	al Qaida	False Documentation or Identification; Currency; Financial services	8-Aug-03	Yes
Mora, Adriana Gladys	SDTX	AUC	Weapons	4-Sep-03	Yes
Kourani, Mahmoud Youssef	EDMI	Hizballah	N/A	19-Nov-03	Yes
Lakhani, Hemant	DNJ	N/A	Weapons	18-Dec-03	Yes
Hassoun, Adham	SDFL			8-Jan-04	Yes
Warsame, Mohammed Abdullah	DMN	al Qaida	Personnel	20-Jan-04	No
Baber, Mohammed Junaid	SDNY	al Qaida	Personnel; Equipment; Weapons; Currency	3-Jun-04	Yes
Abdi, Nuradin M.	SDOH	N/A	Personnel; False Documentation or Identification	14-Jun-04	Yes
Khalil, Naji Antoine Abi	SDNY	Hizballah	Weapons; Equipment	16-Jun-04	Yes
Abdulqader, Mufid	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	Yes

Appendix A*

Abu Baker, Shukri	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	Yes
Elashi, Ghassan	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	Yes
El Mezain, Mohammed	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	Yes
Maghawri, Haitham	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	No
Mishal, Akram	NDTX	Hamas	Currency; Monetary Instruments	25-Jul-04	No
Odeh, Abulraham	NDTX	Hamas	Currency; Monetary Instruments	26-Jul-04	Yes
Gamara-Munillo, Carlos	MDFL	FARC	Weapons; Equipment	18-Aug-04	Yes
Salah, Muhammad Hamid Khalil	NDIL	Hamas	Currency; Personnel	19-Aug-04	Yes
Carpenter, Cedric	SDMS	Abu Sayef	False Documentation or Identification; Currency	31-Aug-04	Yes
Ranson, Lamont	SDMS	Abu Sayef	False Documentation or Identification; Currency	31-Aug-04	Yes
Al Najjar, Mazen	MDFL	Palestinian Islamic Jihad	Currency; Goods and Services	21-Sep-04	No
Correa, Javier Conrado Alvarez	SDTX	AUC	Weapons	14-Oct-04	No
Abu Ali, Ahmed Omar	EDVA	al Qaida	Personnel; currency; equipment; expert advice or assistance	3-Feb-05	Yes
Sabir, Rafiq Abdus	SDNY	al Qaida	N/A	27-Jun-05	Yes
Shah, Tarik	SDNY	al Qaida	N/A	27-Jun-05	Yes
Jaber, Arwah	WDAR	Palestinian Islamic Jihad	False Documentation or Identification; Personnel	11-Aug-05	Yes
Khan, Mohammed Ajmal	EDVA	Lashkar e-Taiba	Expert Advice or Assistance; Personnel; Equipment	15-Sep-05	No
Brent, Mahmud Faruq	SDNY	Lashkar e-Taiba	Expert Advice or Assistance; Personnel; Equipment	7-Nov-05	Yes
Bautista Martinez, Jorge De Los Reyes	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Londono, Bernado Valdes	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-05	Yes
Lopez, Julio Cesar	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Moheisen, Jalal Sadat	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes

*Compiled from *National Security Division List of Terrorism Prosecutions* (July 30, 2009). Available at <http://trac.syr.edu/tracreports/terrorism/215>.

Appendix A*

Morales, Luis Alfredo Daza	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Ponton Caro, Carmen Maria	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Salamanca, Victor Daniel	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Uffon Melo, Jose Tito Libio	SDFL	FARC	Travel; False Documentation or Identification; Financial Services;	3-Jan-06	Yes
Kassir, Oussama	SDNY	al Qaida	Personnel; Weapons; Training	6-Feb-06	Yes
Ahmed, Syed Haris	NDGA	Lashkar e-Taiba	Weapons; Personnel	23-Mar-06	Yes
Hashmi, Syed	SDNY	al Qaida	Currency; Weapons; Equipment	24-May-06	No
Abraham, Patrick	SDFL	al Qaida	Personnel	22-Jun-06	Yes
Augustin, Burson	SDFL	al Qaida	Personnel	22-Jun-06	Yes
Augustine, Rotschild	SDFL	al Qaida	Personnel	22-Jun-06	Yes
Batiste, Narseal	SDFL	al Qaida	Personnel	22-Jun-06	Yes
Herrera, Naudimar	SDFL	al Qaida	Personnel	22-Jun-06	No
Lermorin, Lyglenson	SDFL	al Qaida	Personnel	22-Jun-06	No
Phanor, Stanley Grant	SDFL	al Qaida	Personnel	22-Jun-06	Yes
Shorbagi, Mohamed	NDGA	Hamas	N/A	28-Aug-06	Yes
Nardajah, Piratheopan	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	No
Patpanathan, Vijayshanthar	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Paulian, Gaspar Raj Maria	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	No
Sabaratham, Sahilal	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Sarachandran, Sathajan	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Socrates, Nachimuhu	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Thanigasalam, Thiruthanikan	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Thavaraja, Pratheepan	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes

*Compiled from *National Security Division List of Terrorism Prosecutions* (July 30, 2009). Available at <http://trac.syr.edu/tracreports/terrorism/215>.

Appendix A*

Vinayagamoothy, Munugesu	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Viswanathan, Namasivaya	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	No
Yograrasa, Nadarasa	EDNY	Tamil Tigers	Training; Expert Advice or Assistance; Personnel; Weapons	14-Sep-06	Yes
Osman, Hanifa Bin	DMD	Tamil Tigers	Weapons; Equipment	19-Sep-06	Yes
Subandi, Haji	DMD	Tamil Tigers	Weapons; Equipment	19-Sep-06	Yes
Wotulo, Erick	DMD	Tamil Tigers	Weapons; Equipment	19-Sep-06	Yes
Taleb-Jedi, Zanaib	EDNY	Mujahedin-e Khalq Organization	Personnel	29-Sep-09	
Reynolds, Michael Curtis	MDPA	al Qaida	Property; Service; Personnel; Training; Expert Advice or Assistance	3-Oct-05	Yes
Gadahn, Adam	CDCA	al Qaida	Personnel; Services	11-Oct-06	No
Elahwal, Saleh	SDNY	Hizballah	Services	15-Nov-06	Yes
Iqbal, Javed	SDNY	Hizballah	Services	15-Nov-06	Yes
Ibague, Jose Maria Corredor	DDC	FARC	Weapons; Equipment	30-Nov-06	N/A
Loaiza, Edilma Morales	DDC	FARC	Weapons; Equipment	30-Nov-06	No
Kandasamy, Karunakaran	EDNY	Tamil Tigers	Currency; Financial Services; "other logistical support"	21-May-07	Yes
Al Kassar, Monzer	SDNY	FARC	Weapons; Equipment	29-May-07	Yes
Godoy, Luis Felipe Moreno	SDNY	FARC	Weapons; Equipment	29-May-07	Yes
Aguilar Ramirez, Gerardo Antonio	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Arevalo, Ana Isabela Pena	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Gil, Camilo Rueda	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Gutierrez Vergara, Luz Mary	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No

*Compiled from *National Security Division List of Terrorism Prosecutions* (July 30, 2009). Available at <http://trac.syr.edu/tracreports/terrorism/215>.

Appendix A*

Leon Josue Cuesta	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Romeo Mejja, Jose Fernando	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Rubio, Maribel Galiego	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Rubio, Nancy Conde	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Suarez, Alexander Farfan	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Sunz, Bladmir Culma	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Torres, Ana Leonor	DDC	FARC	Currency; Weapons; Services; Equipment; Transportation; Communications	25-Sep-07	No
Bout, Victor	SDNY	FARC	Weapons	24-Apr-08	
Hupper, Richard David	SDFL	Hamas	Currency	13-May-08	Yes
Cordoba-Bermudez Juanito	SDNY	FARC	Weapons; "other logistical support"	5-Feb-09	No
Rendon-Herrera, Daniel	SDNY	AUC	Weapons; Currency; Personnel; "other support or resources"	21-Apr-09	No

*Compiled from *National Security Division List of Terrorism Prosecutions* (July 30, 2009). Available at <http://trac.syr.edu/tracreports/terrorism/215>.

ABOUT THE **INVESTIGATIVE PROJECT ON TERRORISM**

The Investigative Project on Terrorism is a non-profit research group founded by Steven Emerson in 1995. It is recognized as the world's most comprehensive data center on radical Islamic terrorist groups. For more than a decade, the IPT has investigated the operations, funding, activities and front groups of Islamic terrorist and extremist groups in the United States and around the world. It has become a principal source of critical evidence to a wide variety of government offices and law enforcement agencies, as well as the U.S. Congress and numerous public policy forums. Research carried out by the IPT team has formed the basis for thousands of articles and television specials on the subject of radical Islamic involvement in terrorism, and has even led to successful government action against terrorists and financiers based in the United States.

The IPT accepts no funding from outside the United States, or from any governmental agency or political or religious institutions. Tax deductible contributions should be made to its fund-raising arm, the Investigative Project on Terrorism Foundation, a 501(c)(3) tax-exempt organization.



www.investigativeproject.org