

What Does “Material Support for Terrorism” Look Like?

By Sarah Smith

There are organizations and individuals in the U.S. who have publicly admitted to supporting foreign terrorist organizations by sending money and weapons. However, based on the prosecutor’s argument, it is the advocacy of human rights that is now being investigated and criminalized, NOT actual support of terrorism. Last summer I went on a two-week trip to Israel and Palestine. Little did I know then that four months later I would be subpoenaed to appear before a federal grand jury in Chicago about an investigation into material support of foreign terrorism.



A watchtower where Israeli soldiers stand guard over Palestinians.

As a Jewish woman, I wanted to see what life is like for Israelis and Palestinians. I could have traveled with Birthright, which offers any young Jewish person a free trip to Israel, but Birthright delegations only tour Israel and see what the Israeli government wants them to. I wanted more than one point of view, so I chose an educational trip that allowed me to meet with nonprofit organizations, teachers, and peace activists in both Israel and Palestine.

Two of the young women I traveled with are Palestinian Americans, and unlike my family, theirs actually has roots in the country. Their grandparents on both sides were born and raised in Ramla, a Palestinian city near Jerusalem that has been repopulated by Jewish immigrants. The women’s family was expelled in 1948, and our two-week trip gave them their first glimpse of the land their family originated

in. I find it baffling that because I am Jewish I have a birthright to travel free to Israel and even to emigrate there to live, but my Palestinian American friends do not, even though their families are from that land.

On our arrival at the Tel Aviv airport, my two friends were detained for 10-1/2 hours simply because of their Palestinian ancestry. They endured multiple interrogations and were finally allowed entry after the Israeli officials went through their personal e-mail accounts. As I entered and exited Israel, the only questions I was asked were about being Jewish. I was encouraged to learn Hebrew, attend synagogue regularly, and return to Israel. It was the first time I traveled internationally without the immigration authorities asking me about my trip.



Palestinian woman by her home, destroyed on orders from the Israeli government.

A few months after returning to Chicago, the three of us began to face a different type of intimidation and harassment. This time it was from our own government and the FBI.

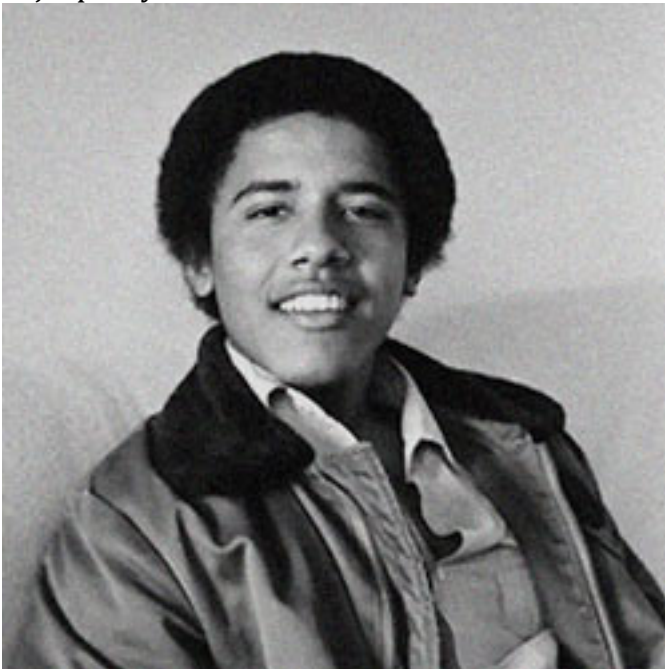
On 24 September 2010, more than 70 FBI agents raided seven homes of antiwar and international solidarity organizers in Chicago, Minneapolis, and Michigan, along with an antiwar office in Minneapolis. Many of the organizers' personal possessions were confiscated. Fourteen people were subpoenaed to a federal grand jury in Chicago. All refused to testify before the grand jury. They considered this investigation an attempt to criminalize their legal, peaceful, antiwar work. In

December, nine additional people, supporters of Palestinian rights, received subpoenas.

I was the first of the nine to be contacted by the FBI on December 3rd. An FBI agent called and asked if I could meet him for coffee. I was curious as to why, and he finally said he wanted to ask me about the trip I took last summer, emphasizing, "I think you know which one I'm talking about." Later that day, my two friends, the Palestinian American women I had traveled with, were subpoenaed.

Our grand jury date was January 25, and all nine of us, like the other 14, refused to participate in this investigation.

I refused to testify, along with the other 23 activists, because I am not willing to participate in a McCarthy-like investigation in which we are asked to name everyone we know who has traveled to Latin America or the Middle East, everyone involved in the antiwar, Palestine solidarity, and Columbia solidarity movements both here and abroad. Our First Amendment rights guarantee us freedom of association and membership in any organization without government interference. By testifying before a grand jury, we are putting ourselves, those around us, and our civil liberties in jeopardy.





From the top: Barack Obama in anti-apartheid days, Chiquita Banana and former President Jimmy Carter.

The government says these recent raids and subpoenas are part of an investigation into “material support” for foreign terrorist organizations. The material support laws took shape under President Clinton with the Antiterrorism and Effective Death Penalty Act, were expanded with the Patriot Act under President George W. Bush, and were expanded further under President Obama after the Supreme Court decided in June 2010, under pressure by Attorney General Eric Holder, that political

speech can be considered material support for “foreign terrorist organizations” (FTOs) if done in a “coordinated way.”

The list of FTOs is drawn up by the State Department in a secret process. Any foreign organization can be placed on the FTO list without a public discussion and without presentation of evidence of terrorism, and the list is not open to challenge. The Supreme Court decision, *Holder vs. Humanitarian Law Project*, stated that politically supporting an FTO, speaking with its members, or publicizing their views provides the FTO with a service, and that is now a criminal offense. Thus, former President Jimmy Carter could be indicted for speaking at a joint press conference with the minister of Hamas and also for meeting with Hezbollah during the 2009 elections in Lebanon.

President Obama could have been indicted in the 1980s for supporting Nelson Mandela and the African National Congress during the struggle to end South African apartheid. Both Mandela and the ANC were on the FTO list until July 2008.

The “material support” laws allow our government to issue search warrants and grand jury subpoenas for activity previously protected by the First Amendment. It is now considered criminal for us to organize or even participate in educational trips to Palestine and Colombia, and to oppose U.S. wars in Iraq and Afghanistan.

In our case, the prosecutor is attempting to argue that some of us funneled token donations through the Union of Palestinian Women’s Committees (UPWC) in Palestine to the Popular Front for the Liberation of Palestine (PFLP). The UPWC is a registered and legal organization under the Palestinian Authority and in Israel, and is not on the U.S. FTO list. The UPWC promotes equality for Palestinian women, provides day care and educational programs emphasizing nonviolent resistance, and advocates for the protection of Palestinian human rights. It funds kindergartens, educational scholarships, and women’s advocacy programs. It does not funnel money to the PFLP.



Graffiti on the wall confining Palestinians, pleads for recognition of a common humanity.

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Yet there are organizations and individuals in the U.S. who have publicly admitted to supporting foreign terrorist organizations by sending money and weapons.

Chiquita Banana pled guilty in 2007 to sending \$1.7 million and 3,000 guns to United Self-Defense Forces of Colombia (AUC) death squads in Colombia. The AUC has been on the FTO list, yet Chiquita continued to send money and weapons to death squads, resulting in the murder of 4,000 people. Chiquita's general counsel worked out a deal with the U.S. government so that no one in Chiquita was prosecuted for this blatant material support for terrorism. Chiquita was simply fined \$25 million to be paid over five years. Chiquita's general counsel at the time was none other than Eric Holder, now the Attorney General prosecuting us! And as Attorney General, he is refusing to extradite the Chiquita officials to Colombia to be tried for their role in killing 4,000 people.

Instead of investigating and prosecuting his former clients who pled guilty of actual material support of foreign terrorist organizations, Eric Holder is backing Federal Prosecutor Patrick Fitzgerald's and the FBI's investigation into antiwar and international solidarity activists.

Last year I went to the School of Americas protest at Fort Benning, Georgia, for the first time, and bought a T-shirt with a quote on it from Utah Phillips, the labor activist and folk singer. Since then the quote has become more and more meaningful to me. It reads: "The extent to which you resist is the extent to which you are free."



Author Sarah Smith.

For a young woman in her twenties, Sarah has a substantial history of interest in the world and its people, traveling, speaking and working against injustices. At the age of 15, she spent her summer studying Spanish at the University of Havana in Cuba. In high school, Sarah was the President of the National Honor Society, the Student Representative to the Local School Council, and a volunteer at a low-income elementary school. In 2004, she was chosen as one of the six most influential female students in Chicago by Crains Business. In 2005, Sarah traveled to Venezuela for the 16th World Youth Festival. At Grinnell College, Sarah became the co-librarian for an on campus, student-operated library that offered donated college textbooks to students who could not afford them. A senior year semester she created and put into practice an after-school program in a low-income elementary school in Washington, D.C. Throughout her time at Grinnell, Sarah attended many presentations about Israel and Palestine and was active with an interfaith Palestinian solidarity group. She graduated from Grinnell in 2008 with a BA in Sociology. In the summer of 2010, Sarah went on a delegation to Israel and the occupied West Bank with two Palestinian-American friends. In December, all were subpoenaed to appear before a federal grand jury about their delegation.