



# KNOW YOUR RIGHTS:

## Material Support

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## Introduction

U.S. law prohibits providing "material support or resources" to terrorist activities or designated terrorist organizations. These laws are complex, carry severe criminal and immigration penalties, and have sometimes significantly impacted Arab and Muslim communities due to their broad scope, government interpretations, and focus on specific regions or groups. Understanding these laws is crucial if you engage in charitable giving, political advocacy, or have associations related to certain parts of the world. This guide provides a basic overview; however, extreme caution is advised, and you should consult an experienced lawyer for advice on specific situations.

## Your Your Rights

### 1. What is "Material Support"?

- **The Laws:** Two main federal laws prohibit material support:
  - 18 U.S.C. § 2339A: Prohibits providing material support or resources knowing or intending that they be used in preparation for, or in carrying out, specific violent federal crimes (listed in the statute).
  - 18 U.S.C. § 2339B: Prohibits knowingly providing material support or resources to a designated Foreign Terrorist Organization (FTO). This is the law most often implicated in community concerns.
- **Broad Definition:** The definition of "material support or resources" is very broad and includes, but is not limited to:
  - Money, financial services, lodging, training, expert advice or assistance, safehouses, false documents or identification, communications equipment, facilities, weapons, lethal substances, explosives, transportation, and other physical assets.
  - Importantly, it also includes providing "personnel" (including yourself, by working under the direction or control of an FTO) and "service."

## 2. Designated Foreign Terrorist Organizations (FTOs)

- **Who Designates:** The U.S. Secretary of State designates groups as FTOs based on specific criteria under the Immigration and Nationality Act.
- **Strict Prohibition:** Providing any form of material support or resources (as defined above), directly or indirectly, to an organization you know is a designated FTO is illegal under § 2339B.
- **Finding the List:** The list of designated FTOs changes over time. You can find the current list on the U.S. Department of State website.

## 3. Intent: What Do You Need to Know?

- **Knowledge is Key:** To violate § 2339B, you generally must know that the organization you are supporting is a designated FTO or that it engages in terrorist activity.
- **Intent to Help Terrorism is NOT Required:** Crucially, the law does not require the government to prove that you specifically intended to help the organization's violent or terrorist activities. Providing support (like money, services, or expert advice) even for what seem to be the FTO's peaceful, humanitarian, or lawful activities is still prohibited if you know the group is a designated FTO. The idea is that support frees up the group's other resources for illicit activities.

## 4. Material Support vs. Free Speech & Association

- **Tension with First Amendment:** These laws can create tension with First Amendment rights to free speech and association.
- **The Holder v. Humanitarian Law Project Case:** The U.S. Supreme Court ruled in 2010 that the ban on providing material support under § 2339B applies even to support intended for peaceful activities, such as training FTO members on how to petition international bodies for peaceful dispute resolution. The Court reasoned that such support could legitimize the FTO or free up its resources for terrorism.

- **Independent Advocacy vs. Coordinated Support:** The law does not prohibit purely independent speech or advocacy about an FTO or its causes (e.g., criticizing U.S. policy, discussing the group's political goals). However, it does prohibit providing services, training, expert advice, or other resources to, coordinated with, or under the direction of a designated FTO. The line between independent advocacy and prohibited support can be blurry and fact-specific.
- **Association:** While the First Amendment protects your right to associate with others, providing material support goes beyond mere association and is illegal if provided to a designated FTO.

## 5. Charitable Giving & Humanitarian Aid

- **Due Diligence Required:** Be extremely cautious when donating to charities, especially those operating in regions where designated FTOs are active. Ensure the charity is reputable, transparent, and has safeguards to prevent funds or resources from being diverted (even indirectly) to FTOs. Donating to groups linked to FTOs, even for humanitarian purposes, is prohibited.
- **Independent Channels:** Humanitarian aid should only be provided through legitimate, independent, and vetted non-governmental organizations (NGOs) that are not designated FTOs or acting on their behalf.

## 6. Potential Risks & Consequences

- **Severe Penalties:** Violations of material support laws are serious federal crimes carrying potential penalties of up to 20 years in prison per count, or life imprisonment if death results.
- **Immigration Consequences:** A material support conviction or even just admitting to conduct that constitutes material support can make non-citizens deportable and inadmissible (unable to enter the U.S. or obtain visas, green cards, or citizenship).
- **Chilling Effect:** The breadth and complexity of these laws can unfortunately discourage legitimate speech, association, and charitable giving within Arab, Muslim, and other communities connected to affected regions.

## 7. What To Do If Questioned or Concerned

- **If Questioned by Law Enforcement (FBI, etc.):** If you are questioned about your donations, associations, travel, speech, or activities, especially concerning groups or regions potentially linked to FTOs:
  - Clearly state: "I wish to remain silent. I want a lawyer."
  - Do not answer questions, sign documents, or agree to searches without speaking to a lawyer first. Do not lie, but rely on your right to silence.
- **Be Cautious:** Exercise caution in your associations, online activities, and particularly financial transactions (donations) related to conflict zones or potentially designated groups.
- **Seek Legal Advice Before Acting:** If you are unsure about the legal status of an organization or whether planned activities (like providing services, advice, funds, or traveling to certain areas) could violate material support laws, it is critical to consult with an experienced lawyer knowledgeable in national security and constitutional law before you act.

**Protect yourself, your students, and your community. Share this to spread awareness!**  
**Contact us at our 27/7 hotline at 844.ADC.9955 (844.232.9955).**



**Disclaimer:** This information is for educational purposes only and is not a substitute for legal advice. Material support laws are complex and highly fact-specific. Interpretations can evolve. **If you have specific questions or concerns about your situation, you MUST consult with a qualified attorney, preferably one with experience in national security law.**