



REPRESSION RESILIENCE WORKSHOP

Government vs. You

Repression Resilience



Repression is the collection of methods the State and other reactionary forces use to fight against change.

This can look like:

- Violence
- Surveillance/Disruption
- Media/Social Media
- Legal

Examples:

- 646 highway arrests
- UMN Cunningham Halimy Hall encampment



Repression Resilience means building a life and practice that doesn't just avoid repression (an impossibility for effective movements) but acknowledges it as a reality of struggle and works to minimize its ability to undermine your goals.

Building repression resilience can look like:

Build community power. The greatest antidote for repression is more organizing.

- Broad collaborations
- Solidarity and support for other organizations
- Pro-social intra-movement conflict engagement

Revolutionary adaptability

- The more outcomes you are trying to control the more vulnerabilities you have.
 - How can you build flexibility into your life plans around job, family, housing, finances, etc.?
 - For things you decide you must protect or control, engage in rigorous threat modeling.

Minimizing exposure

- **CAUTION: beware of de-organizing tendencies.** Being secretive is not always the best way to minimize exposure and can undermine other strategies for building resilience
- **Choosing tactics with less exposure** that still fit your strategy and goals
- **Know your rights** so that when you are targeted you can best protect yourself
 - Casual Conversation
 - *Am I free to go*
 - Detention
 - *I'm going to remain silent, I want to speak to an attorney*
 - *I don't consent to a search*
 - Arrest

We are providing these workshops to help shine a light on what repressive tactics we see being used against Palestine Solidarity activists - not to demobilize, but to help you focus.

Stay strong and bold and keep yourself, your comrades, and our shared movements safe and successful.



Three Key Federal “Anti- Terrorism” Statutes

1

18 U.S.
Code
§2331

2

18 U.S.
Code
§§2339A

3

18 U.S.
Code
§§2339B

18 U.S. Code § 2331 – Defining “Terrorism”

§ 2331 defines “international terrorism” for purposes of the Anti-Terrorism Act:

(1) the term “international terrorism” means activities that—

(A) involve **violent acts or acts dangerous to human life** that are a **violation of the criminal laws** of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to **intimidate or coerce** a civilian population;

(ii) to **influence** the policy of a government by intimidation or coercion;

or

(iii) to **affect** the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily **outside the territorial jurisdiction of the United States**, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum

The Material Support Statutes: 18 U.S. Code §§ 2339A and B

The most significant laws pertaining to “anti-terrorism” are the legal prohibitions on providing “material support” to officially designated terrorists— whether organizations, individuals or companies.

§§ 2339A and B are known as the “material support statutes. They are the most commonly prosecuted federal anti-terrorism statutes and are employed overwhelmingly against American Muslims.

§ 2339A outlaws providing material support for the commission of certain ***designated offenses*** that might be committed by terrorists.

§ 2339B outlaws providing material support to certain ***designated terrorist organizations***.

Casting a Wide Net – § 2339B

- § 2339B is the farther reaching of the statutes, and imposes criminal liability on any individual who knowingly provides **material support or resources** to a **foreign terrorist organization**. As a result, the statute criminalizes not terrorist attacks themselves, but aid to certain organizations even if it's intended for non-violent, non-terrorist activities:

(a) Prohibited Activities.—

(1) Unlawful conduct.—

Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 20 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

“Material Support or Resources” defined

“Material Support or resources” is defined in § 2339A and incorporates a broad array of activity. This provision contains the broadest definitions of “material support” among western democracies:

(1) the term “material support or resources” means 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

Humanitarian Aid - Caution Advised

While there are exceptions in the Material Support statutes for providing medicine and religious materials, **there is no explicit exception for humanitarian resources broadly.**

Instead, the Secretary of State may approve exemptions for humanitarian aid in the form of “training,” “personnel,” and “expert advice or assistance” in situations where aid will not be used to carry out terrorist activity. ***No humanitarian aid exemption appears to have been approved by the Secretary of State in the more than twenty years since § 2339B’s enactment.***

“Foreign Terrorist Organization” Defined

Providing material support is only a crime under § 2339B if the known beneficiary is a foreign terrorist organization (“FTO”).

That is, the government must show either that

- (1) the defendant knows that the organization has been designated a foreign terrorist organization or
- (2) the defendant knows that the organization is or has engaged in “terrorism” or in “terrorist activities.”



STATE DEPARTMENT
LIST OF FOREIGN
TERRORIST
ORGANIZATIONS



Foreign Terrorist Org. Designation

The process under which the Secretary of State designates an entity as a FTO is authorized in section 219 of the Immigration and Nationality Act (8 U.S. Code § 1189):

(a) Designation

(1) In general

The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that—

(A) the organization is a foreign organization;

(B) the organization **engages in terrorist activity** (as defined in section 1182(a)(3)(B) of this title or terrorism (as defined in section 2656f(d)(2) of title 22), **or retains the capability and intent to engage in terrorist activity or terrorism**) [1];
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.**



U.S. DEPARTMENT *of* STATE

[Newsroom](#) [Business](#) [Employees](#) [Job Seekers](#) [Students](#) [Travelers](#) [Visas](#)



[POLICY ISSUES](#) [COUNTRIES & AREAS](#) [BUREAUS & OFFICES](#) [ABOUT](#)

[Home](#) > [Terrorist Designations and State Sponsors of Terrorism](#) > Foreign Terrorist Organizations



Foreign Terrorist Organizations

BUREAU OF COUNTERTERRORISM

The list includes several entities that are affiliated with the cause of Palestinian liberation:



Date Designated	Organization Name
April 15, 2019	Islamic Revolutionary Guard Corps (IRGC)
March 27, 2002	Al-Aqsa Martyrs Brigade (AAMB)
October 8, 1997	HAMAS
October 8, 1997	Hizballah
October 8, 1997	Palestine Liberation Front (PLF)
October 8, 1997	Palestine Islamic Jihad (PIJ)
October 8, 1997	Popular Front for the Liberation of Palestine (PFLP)
October 8, 1997	PFLP-General Command (PFLP-GC)

FTO Then and Now

The use of the FTO designation to target the anti-zionist movement is longstanding practice in the United States. Notably, the first ever designated “terrorist organization” was the **Palestine Liberation Organization in December of 1987**, weeks after the outbreak of the first Intifida. This was the first and only time Congress has declared any group to be a terrorist organization.

Importantly, **the material support prohibition is not limited to this list of organizations**. It also applies to a broader list of terrorist entities and individuals designated by the Department of Treasury under sanctions laws, primarily the **International Emergency Economic Powers Act (IEEPA)**.

Holder v. Humanitarian Law Project

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 2009

HOLDER, ATTORNEY GENERAL, ET AL. *v.*
HUMANITARIAN LAW PROJECT ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 08–1498. Argued February 23, 2010—Decided June 21, 2010*

Holder v. Humanitarian Law Project Summary

- Overview:

In *Holder*, the U.S. Supreme Court rejected Humanitarian Law Project's challenges to § 2339B on constitutionality grounds. As a result of the decision, § 2339B can be construed to prohibit “material support” even when the interaction with a FTO includes attempts at peacebuilding and support for nonviolence.

- Factual Background:

The Humanitarian Law Project (along with other Plaintiffs) sought to train two FTOs, the Kurdistan Workers' Party and Liberation Tigers of Tamil Eelam, on how to use the United Nations **conflict resolution process and other nonviolent means** to resolve their disputes.

Because § 2339B prohibited material support for the FTOs, the Plaintiffs challenged its constitutionality, asserting that certain terms were impermissibly vague and violated their First Amendment rights. **The Supreme Court held that the statute was constitutional.**

The State Department informs us that “[t]he experience and analysis of the U.S. government agencies charged with combating terrorism strongly support[t]” Congress's finding that **all contributions to foreign terrorist organizations further their terrorism.** [] In the [Executive Branch's] view: “Given the purposes, organizational structure, and clandestine nature of foreign terrorist organizations, it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal, terrorist functions—**regardless of whether such support was ostensibly intended to support non-violent, non-terrorist activities.**” ... That evaluation of the facts . . . is entitled to deference. (pg. 2727).

Holder v. Humanitarian Law Project quotes

Holder v. Humanitarian Law Project quotes



Given the sensitive interests in national security and foreign affairs at stake, the political branches have adequately substantiated their determination that, **to serve the Government's interest in preventing terrorism, it was necessary to prohibit providing material support in the form of training, expert advice, personnel, and services to foreign terrorist groups, even if the supporters meant to promote only the groups' nonviolent ends.** (pgs. 2728-29).

Money is fungible, [] and Congress logically concluded that money a terrorist group such as the PKK obtains using the techniques plaintiffs propose to teach **could be redirected to funding the group's violent activities.** (pgs. 2729).

Holder v. Humanitarian Law Project quotes



In the dissent's world, such training is all to the good. Congress and the Executive, however, have concluded that we live in a different world: one in which the designated foreign terrorist organizations “are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.” (pg. 2729).



HOLY LAND FIVE

Holy Land 5 and the Implications of § 2339B

In the Holy Land case, 5 Palestinian-Americans who had started one of the largest Muslim charities in the United States for purposes of raising funds for humanitarian assistance in Palestine were indicted under § 2339B and sentenced to terms of up to sixty-five years in prison.

The 5th Circuit upheld the convictions in 2012.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 7, 2011

Lyle W. Cayce
Clerk

No. 09-10560

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

MOHAMMAD EL-MEZAIN; GHASSAN ELASHI; SHUKRI ABU BAKER;
MUFID ABDULQADER; ABDULRAHMAN ODEH; HOLY LAND
FOUNDATION FOR RELIEF AND DEVELOPMENT, also known as HLF,

Defendants - Appellants

FREE THE HOLY LAND 5

Mohammed El-Mezain	Mufid Abdulqader	Abdulrahman Odeh	Shukri Abu Baker	Ghassan Elashi
Released 2022	20 year sentence	Released 2020	65 year sentence	65 year sentence
15 year sentence	Released 2024	15 year sentence		

WITHIN OUR LIFETIME في حياتنا

- The Holy Land Foundation raised millions of dollars for Palestinians living under Israeli occupation, making it a target for pro-Israel groups in the U.S. The indictment claimed that the defendants used the Holy Land Foundation to provide material support to Hamas, which by then had been identified as a designated FTO.
- In 2008, a six-week trial resulted in a guilty verdict for all defendants. The individual defendants were sentenced as follows:
 - Mohammad El-Mezain (15 years)
 - Mufid Abdulqader (20 years)
 - Abdulrahman Odeh (15 years)
 - Shukri Abu Baker (65 years)
 - Ghassan Elashi (65 years)
 - Abdulrahman Odeh (15 years)



Independent Global News

[About](#) [Daily Digest](#) [Events](#) [Stations](#) [Español](#)

[Daily Shows](#) [Top Stories](#) [Web Exclusives](#) [Topics](#) [Columns](#)

Search

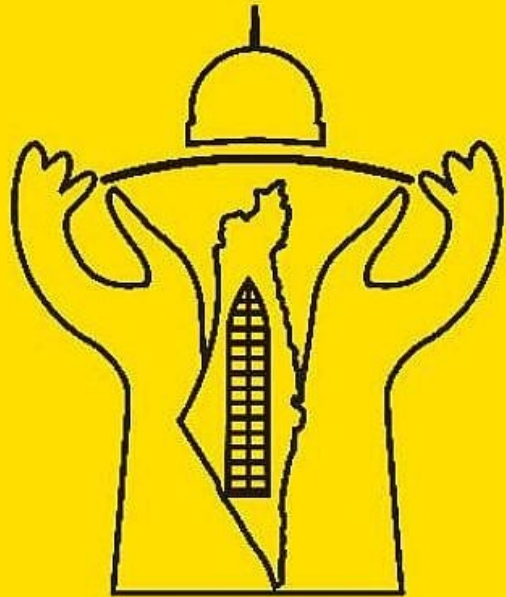
DONATE

HOT TOPICS

[Jimmy Carter](#) [Syria](#) [Gaza](#) [Donald Trump](#) [Immigration](#) [Abortion](#) [Climate Crisis](#) [2024 Election](#) [Haiti](#) [Ukraine](#)

Despite No Links to Violence, Founders of Muslim Charity Sentenced to Lengthy Terms for Donations to Needy Palestinians in Occupied Territories

STORY MAY 29, 2009 [Watch Full Show](#)



HOLY LAND FOUNDATION

In December of 2024, Mufid Abdulqader was the third of the Holy Land 5 to be freed from prison.

The case has been widely denounced as **political persecution** during the height of the Bush Administration's so-called war on terror. Shukri Abu Baker and Ghassan Elashi remain incarcerated.



KEY MINNESOTA STATE STATUTE

Minn. Stat.
609.714-
Felonies with
the Intent to
Further
Terrorism

Minnesota criminal law increases the penalty for any felony by 50% if the premeditated intent was to further terrorism.

Albeit infrequently, this statute has been weaponized against activists:

2024 Minnesota Statutes

609.714 CRIMES COMMITTED IN FURTHERANCE OF TERRORISM.

Subdivision 1. **Definition.** As used in this section, a crime is committed to "further terrorism" if the crime is a felony and is a premeditated act involving violence to persons or property that is intended to:

- (1) terrorize, intimidate, or coerce a considerable number of members of the public in addition to the direct victims of the act; and
- (2) significantly disrupt or interfere with the lawful exercise, operation, or conduct of government, lawful commerce, or the right of lawful assembly.

Subd. 2. **Furtherance of terrorism; crime described; penalty.** A person who commits a felony crime to further terrorism is guilty of a crime. The statutory maximum for the crime is 50 percent longer than the statutory maximum for the underlying crime.



Independent Global News

[About](#) [Daily Digest](#) [Events](#) [Stations](#) [Español](#)

[Daily Shows](#) [Top Stories](#) [Web Exclusives](#) [Topics](#) [Columns](#)

[Search](#)

HOT TOPICS

[Jimmy Carter](#) [Syria](#) [Gaza](#) [Donald Trump](#) [Immigration](#) [Abortion](#) [Climate Crisis](#) [2024 Election](#) [Haiti](#) [Ukraine](#)

“We Are Not Terrorists”: Activists with the RNC Welcoming Committee Speak Out Against Police Crackdown & Terrorism Charges

STORY SEPTEMBER 05, 2008 [Watch Full Show](#)

MINNEAPOLIS

Terrorism charges against RNC 8 are dropped

The defendants still face other felony charges, and the county attorney denied that politics played a role in her decision.

By Randy Furst

APRIL 10, 2009 AT 12:21AM



*PROJECT ESTHER &
MARCHING TOWARD
VIOLENCE*



Major right wing lobbyist groups are laying the groundwork for identifying organizations on the Anti-Zionist Left as “terroristic” and are calling for criminal prosecution.





PROJECT ESTHER

A National Strategy to Combat Antisemitism

National Task Force to Combat Antisemitism

— SUMMARY

America’s virulently anti-Israel, anti-Zionist, and anti-American “pro-Palestinian movement” is part of a global Hamas Support Network (HSN) that is trying to compel the U.S. government to abandon its long-standing support for Israel. Supported by activists and funders dedicated to the destruction of capitalism and democracy, the HSN benefits from the support and training of America’s overseas enemies and seeks to achieve its goals by taking advantage of our open society, corrupting our education system, leveraging the American media, coopting the federal government, and relying on the American Jewish community’s complacency. The National Task Force to Combat Antisemitism intends to enlist all willing and able partners in a coordinated effort to combat the scourge of antisemitism in the United States.

Project Esther

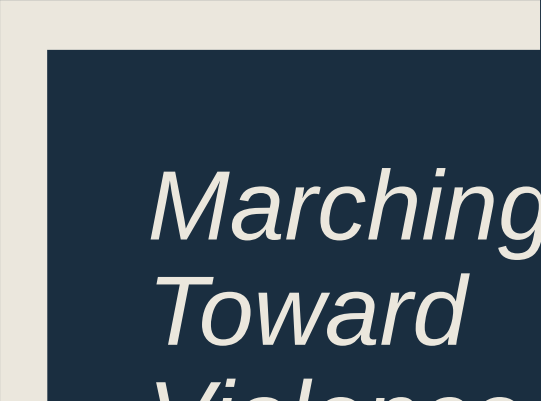
- Project Esther sets forth 11 “desired end states.” One of which is ES6: “Executive branch confronts, pursues, and prosecutes HSO legal and criminal violations
- HSO refers to what Project Ester calls the “*Hamas Support Organizations*” and identifies as HSOs various prominent anti-Zionist organizations such as National Students for Justice in Palestine (NSJP or SJP), alternatively known as the Palestine Solidarity Committee (PSC); American Muslims for Palestine (AMP); Jewish Voices for Peace (JVP); and Samidoun.

Marching Toward Violence - Capital Research Center Report

SPECIAL REPORT

Marching Toward Violence: The Domestic Anti-Israeli Protest Movement





*Marching
Toward
Violence -
Capital
Research
Center Report*

The Marching Toward Violence report identifies by name over 150 organizations across the Anti-Zionist Left as being “involved in the disruptive anti-Israel protests on college campuses and elsewhere in the United States” and explicitly claims that they are “pro-terrorism.”

Marching Toward Violence Report

DEFINING “PRO-TERRORISM”

Identifying a group as “pro-terrorism” is not done lightly. A group is designated as “pro-terrorism” only when justified by documentable evidence that is beyond reasonable dispute. The most common source of evidence is the group’s own statements and publications.

For the purposes of this research, “pro-terrorism” is defined as:

Endorsing, contributing to, or having substantive links to individuals or groups that

- *Commit violent and criminal acts to further ideological goals or*
- *Are associated with or inspired by designated foreign terrorist organizations (including governments that sponsor terrorism such as in Iran).*

This definition is based on the FBI’s [definitions](#)⁹ of domestic and international terrorism.

A group’s opposition to Israeli or U.S. policy has no bearing on its designation. Its other extremist beliefs or actions, such as favoring the destruction of Israel or promoting anti-Semitism, were also not considered. A group’s exclusion from this list should not be interpreted as any kind of exoneration.

The sizes and influences of the groups vary. All operate within the United States but are not necessarily headquartered in the U.S. While extensive, this list is not exhaustive. This list will be expanded and updated as new information becomes available and as the organizations change and new ones are created.



Many prominent Leftist and Anti-Zionist organizations are listed in the Report, including DSA, WAMM, NLG, SJP, and more...



SAMIDOUN



Repression against Palestine Solidarity Organizations has been on the rise since 2023.

In October of 2024, the U.S. Department of Treasury's Office of Foreign Assets Control designated "Samidoun Palestinian Prisoner Solidarity Network", or "Samidoun," as a sham charity that serves as an international fundraiser for the Popular Front for the Liberation of Palestine (PFLP)--which is a FTO.



U.S. DEPARTMENT OF THE TREASURY

[ABOUT TREASURY](#)

[POLICY ISSUES](#)

[DATA](#)

[SERVICES](#)

[NEWS](#)

[HOME](#) > [NEWS](#) > [PRESS RELEASES](#)

NEWS

[Press Releases](#)

[Statements & Remarks](#)

[Readouts](#)

[Testimonies](#)

[Featured Stories](#)

PRESS RELEASES

United States and Canada Target Key International Fundraiser for Foreign Terrorist Organization PFLP

October 15, 2024

Ramifications:

If this designation withstands legal challenges, OFAC's designation of Samidoun as "a sham charity" for PFLP may put any charity or individual working with or contributing to Samidoun at risk for criminal prosecution for material support of terrorism and or administrative seizure of funds.

Thank you for attending!

Next Workshops (Thursdays at 6:30 PM)

- **February 6: *Zionists vs. You*** – how non-state actors use “lawfare” (like RICO and SLAPP suits) against our movements
- **February 20: *University vs. You*** – how universities use “code of conduct” processes, rules, etc. against our movements
- **March 6: *ICE vs. You*** – how federal immigration authorities use immigration law and policy against our movements



Contact Info: nlginmn@gmail.com