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# Asset-Stripping: Responses to the Financing of Terrorism and Crime

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# Recruiting Americans to Join ISIS in the Armed Conflict in Syria:

## *A Violation of the Material Support Statute or “Independent Advocacy” Under the First Amendment?*

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# Material Support Statute, 18 U.S.C. section 2339B



- Prohibits knowingly providing “material support or resources” to a “foreign terrorist organization.”

# Material Support or Resources



The term means--

Any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification,

# Material Support or Resources – cont'd



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.

# Holder v. Humanitarian Law Project, 561 U.S. 1 (2015)



- The material support statute does not punish “independent advocacy.”

# Holder v. Humanitarian Law Project - cont'd



- The statute is carefully drawn to cover only a narrow category of speech “under the direction of, or in coordination with foreign groups that the speaker knows to be terrorist organizations.”

# Holder v. Humanitarian Law Project - cont'd



- Does an independent actor who encourages others to join ISIS or provide ISIS funding violate the material support statute or engage in protected free speech?



# Proposed Amendment



- Should the Material Support Statute Be Amended to Punish “Solicitation”?