
The Patriot Act (PA)

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Did Congress Read it?

From Michael Moore, *Fahrenheit 9/11* (2004)

<https://www.youtube.com/watch?v=TiNUgJcNRJY>

Is it Readable at All?

(Google “Patriot Act” — *Read It and See*)

Broadening the Notion of Terrorism

Section 802 of PA

SEC. 802. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

...

(4) by adding at the end the following:

“(5) the term ‘domestic terrorism’ means activities that—

“(A) involve acts dangerous to human life that are a violation of the criminal laws 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 within the territorial jurisdiction of the United States.”.

Examples of Domestic Terrorism

“The definition of domestic terrorism is broad enough to encompass the activities of several prominent activist campaigns and organizations. Greenpeace, Operation Rescue, Vieques Island and WTO protesters and the Environmental Liberation Front have all recently engaged in activities that could subject them to being investigated as engaging in domestic terrorism.”

From ACLU, How the USA PATRIOT Act redefines “Domestic Terrorism”
available at www.aclu.org/national-security/how-usa-patriot-act-redefines-domestic-terrorism

18 U.S. Code § 2339 - Providing Material Support to Terrorists

18 USC 2339A (after Enactment of PA 805)

(a) Offense.— Whoever provides **material support** or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section [list of possible crimes of terrorism] or in preparation for, or in carrying out, the concealment of an escape from the commission of any such violation, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. ...

(b) Definitions.— As used in this section—

(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;

(2) the term “training” means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

(3) the term “**expert advice or assistance**” means advice or assistance derived from scientific, technical or other specialized knowledge.

18 USC 2339B (after Enactment of PA 805)

(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 15 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).

If you operate a website that contains content meant to encourage the jihad against the United States, are you “materially supporting” terrorism?

See the trial against Sami Omar Al-Hussayen. He was acquitted by a jury in 2004.

Does “18 USC 2339B” Restrict
Free Speech Against the First
Amendment?

The US Supreme Court case Holder v. Humanitarian Law Project (2010)

“The case arose after an American human rights group, the Humanitarian Law Project, challenged the law prohibiting “material support” to terror groups, which was defined in the 2001 Patriot Act to include “expert advice or assistance.” The law project wanted to provide advice to two terrorist groups on how to peacefully resolve their disputes and work with the United Nations...But though the law project was actually trying to reduce the violence of the two groups, the court’s opinion... said that did not matter and ruled the project’s efforts illegal. Even peaceful assistance to a terror group can further terrorism, the chief justice wrote, in part by lending them legitimacy and allowing them to pretend to be negotiating while plotting violence.”

—*NY Times, A Bruise on the First Amendment, June 2010*

http://www.nytimes.com/2010/06/22/opinion/22tue1.html?_r=0