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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0605**

April 21, 2021

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Juan Sánchez Muñoz Ph.D., Chancellor  
University of California, Merced  
5200 North Lake Rd.  
Merced, CA 95343

Dear President Drake and Chancellor Muñoz,

I recently learned that your institution agreed to co-host, along with San Francisco State University (SFSU), a webinar featuring Leila Khaled.<sup>1</sup> I find this deeply troubling and write to more fully inform you of both who Mrs. Khaled is, as well as the potential consequences for these actions.

Mrs. Khaled is an openly acknowledged leader of the Popular Front for the Liberation of Palestine (PFLP)<sup>2</sup>, an explicitly Marxist organization<sup>3</sup> that the U.S. State Department has designated as a terrorist group.<sup>4</sup> The PFLP has continued its campaign of open terrorism against Israel, and anyone else who gets in its way, for decades and is responsible for more terrorist acts and terrorist propaganda than could be listed here.

Indeed, Mrs. Khaled herself is directly responsible for some of the most notable examples of terrorist acts committed by the PFLP as well as their subsequent propaganda glamorizing and encouraging similar acts. According to one law professor, "No living person has done more to romanticize terrorism than Leila Khaled."<sup>5</sup> Nor have the passing years lessened her commitment

<sup>1</sup> "Lawfare Project urges Zoom, UC Merced to cancel event featuring Palestinian terrorist," By: Sean Savage, JNS, April 14, 2021. Available at: <https://www.jns.org/lawfare-project-urges-zoom-uc-merced-to-cancel-event-featuring-palestinian-terrorist/>

<sup>2</sup> "PFLP: Deporting Comrade Leila Khaled from Italy will not silence the voice of the Palestinian people," PFLP Website, November 29, 2017. Available at: <https://english.pflp.ps/2017/12/01/pflp-deporting-comrade-leila-khaled-from-italy-will-not-silence-the-voice-of-the-palestinian-people/>

<sup>3</sup> Popular Front for the Liberation of Palestine, Encyclopaedia Britannica. Available at: <https://www.britannica.com/topic/Popular-Front-for-the-Liberation-of-Palestine>

<sup>4</sup> Terrorist Designations and State Sponsors of Terrorism - Foreign Terrorist Organizations, Bureau of Counterterrorism. Available at: <https://www.state.gov/foreign-terrorist-organizations/>

<sup>5</sup> "Censorship of Leila Khaled's SFSU Webinar Was Wrong, but the Sponsors Still Need to Tell the Truth about Her [UPDATED]," By: Steve Lubet, The Faculty Lounge, October 21, 2020. Available at: <https://www.thefacultylounge.org/2020/10/censorship-of-leila-khaleds-sfsu-webinar-was-wrong-but-the-sponsors-still-need-to-tell-the-truth-abo.html>

to terrorism. Even in recent years, Mrs. Khaled publicly stated that her lifelong goal of eliminating Israel by force has not changed, saying “I chose arms and I believe that taking up arms is one of the main tools to solve this conflict.”<sup>6</sup>

The upcoming event is a travesty to any kind of legitimate academic inquiry, and, moreover, is illegal. The First Amendment protects freedom to express ideas, no matter how repugnant. It does not, however, protect providing services and equipment to terrorists and terrorist organizations. Both the plain text of the law, as well as relevant case law by the U.S. Supreme Court, demonstrate this clearly.

18 U.S.C. § 2339B states that:

*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.*<sup>7</sup>

The term “material support or resources” is defined in 18 U.S.C. § 2339A, as follows:

*[A]ny 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[.]*<sup>8</sup>

While “expert advice or assistance,” means:

*(A)dvise or assistance derived from scientific, technical or other specialized knowledge.*

The plain language of this statute would suggest that your hosting of this event violates the “service” provision, as well as the “communications equipment” and “expert advice or assistance” provisions, as UC conduct, as they seem to have provided their academic and conferencing services, communications platforms, and specialized academic advice to PFLP.

Moreover, in *Holder v. Humanitarian Law Project*, the Supreme Court found that the statute was to be construed broadly, since “foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct,”<sup>9</sup> and disrupting this kind of activity was the intent of Congress. More specifically, the

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<sup>6</sup> "Zoom Draws a Line," By: Colleen Flaherty, Available at: <https://www.insidehighered.com/news/2020/09/25/zoom-refuses-stream-university-event-featuring-member-terrorist-organization>

<sup>7</sup> 18 U.S. Code § 2339B. Providing material support or resources to designated foreign terrorist organizations. Available at: <https://www.law.cornell.edu/uscode/text/18/2339B>

<sup>8</sup> 18 U.S. Code § 2339A. Providing material support to terrorists. Available at: <https://www.law.cornell.edu/uscode/text/18/2339A>

<sup>9</sup> *Holder v. Humanitarian Law Project*, 561 U.S. 1, 5 (2010).

court found that “advocacy performed in coordination with, or at the direction of, a foreign terrorist organization,” was prohibited by the statute, as “a person of ordinary intelligence would understand the term ‘service’ to cover,” such conduct.<sup>10</sup>

In other words, under the plain language of the law, as well as key Supreme Court precedents, this is in flagrant violation of 18 U.S.C. § 2339B in multiple ways. It is only the invention of various inexpensive video conferencing services that make this event possible. Khaled would never be given a visa to come to the US, and she has been denied visas to multiple countries precisely because of her involvement with PFLP and prior acts of terrorism.<sup>11</sup> It is appropriate that what would clearly be impossible otherwise should not become both possible and legal through the invention of advanced communication equipment. That is the purpose of the broad language and court interpretation. Even legal scholars who disagree with the law view this as the most likely outcome.<sup>12</sup>

Any attempt to recast this issue as a matter of academic freedom or free speech simply does not comport with the facts. This is not a matter of silencing views that one finds repugnant; it is a matter of not allowing a criminal terrorist organization to utilize a legitimate university for its own purposes.

As you may know, San Francisco State University (SFSU) has a long history of friendly relations with radicals and even outright terrorists.<sup>13</sup> This is the second time they have attempted to hold such an event in spite of the law, and in spite of previous decisions by various tech companies to shut down such an event.<sup>14</sup> In this previous case, I advocated prosecution for SFSU under the law in a letter to the Department of Justice.<sup>15</sup> It is unclear whether the Department of Justice will take my advice. But regardless, your institution is not yet tainted by this sort of flagrantly illegal behavior, and I recommend it stay on the good side of the law. Unlike the tech companies, who wisely shut down the last event, and some of which have already rejected playing any role with this event,<sup>16</sup> universities have little excuse and, should they follow through, are knowingly and

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<sup>10</sup> Id. At 24.

<sup>11</sup> "Palestinian terrorist Leila Khaled barred from entering Italy" December 6, 2017, Times of Israel. Available at: <https://jewishnews.timesofisrael.com/palestinian-terrorist-leila-khaled-barred-from-entering-italy/>; "Teaching Terror: How Hamas Radicalizes Palestinian Society" By: Matthew Levitt, February 12, 2007. The Washington Institute for Near East Policy. Available at: <https://www.washingtoninstitute.org/policy-analysis/view/teaching-terror-how-hamas-radicalizes-palestinian-society>

<sup>12</sup> "Zoom's Refusal to Host Events That Include Terrorist Group Leader Leila Khaled," By: Eugene Volokh, Reason, October 25, 2020. Available at: <https://reason.com/volokh/2020/10/25/zooms-refusal-to-host-events-that-include-terrorist-group-leader-leila-khaled/>

<sup>13</sup> "A California University's Troubling Terrorism Ties" By: Cinnamon Stillwell, Independent Review Journal, July 1, 2016. Available at: <https://www.meforum.org/campus-watch/23652/a-california-university-troubling-terrorism-ties>

<sup>14</sup> "Legitimizing Terrorists by Zoom," By: Cliff Smith, Providence, December 15, 2020. Available at: <https://providencemag.com/2020/12/legitimizing-terrorists-zoom-leila-khaled-san-francisco-state-university-sfsu/>

<sup>15</sup> Id.

<sup>16</sup> "Eventbrite Removes San Francisco State University-Sponsored Webinar With Palestinian Terrorist Leila Khaled," By: Sharon Wrobel, The Algemeiner, April 15, 2021. Available at:

willfully giving assistance to a terrorist organization.

Moreover, whatever decisions are made by the Department of Justice, the Department of Education, or various Courts, it is my role as a Congressman to potentially provide federal funding for higher education, to regulate interstate and international commerce, to pass various other laws, and to provide for a well-ordered and lawful society. A society in which peaceful transfers of power are of the upmost importance cannot be preserved if leaders in international terrorist movements are aided by large, powerful institutions, including universities, without any consequence.

As such, I can assure you the actions I take in my role as a member of Congress will be informed by your actions in this instance, as will the actions by many of my colleagues.

Sincerely,



Doug Lamborn  
Member of Congress

CC:

President Lynn Mahoney and Chancellor Timothy P. White, San Francisco State University;  
Secretary of Education Miguel Cardona and Acting Assistant Secretary for Postsecondary Education, Michelle Asha Cooper;  
Attorney General Merrick Garland and Assistant Attorney General for National Security John Demers