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Congress of the United States
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The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Christopher A. Wray
Director Federal Bureau of Investigation
935 Pennsylvania Avenue,
NW Washington, DC 20535

Dear Attorney General Barr and Director Wray,

Last week, San Francisco State University (SFSU) held an online event with Leila Khaled entitled "Whose Narratives? Gender, Justice, & Resistance: A conversation with Leila Khaled."¹ Ms. Khaled is an unrepentant terrorist and an admitted member of the Popular Front for the Liberation of Palestine (PFLP), a U.S. designated terrorist organization.² The underlying purpose of this event appeared to be the promotion of the PFLP's terrorist agenda to a wider audience, particularly the students of SFSU, a public university.

I write today to recommend the referral of SFSU generally, and President Lynn Mahoney and the event hosts (Professors Rabab Abdulhadi and Tamomi Kinukawa) specifically, for investigation of potential violations of 18 U.S. Code § 2339A, which makes it unlawful to provide material support or resources to a foreign terrorist organization.

That Ms. Khaled is a terrorist and is a member of a terrorist group is beyond reasonable dispute. Ms. Khaled herself does not dispute this and continues to speak openly about her actions.³ Her past acts of terrorism, including two well-publicized plane hijacking in 1969 and 1970 and her continued defense of her acts, are what brought her notoriety.⁴ But far from being a reformed terrorist, or even just a former

¹ While this event was halted by YouTube about 23 minutes into the proceedings (*See here: "S.F. State event with Leila Khaled, briefly hosted on YouTube, is taken down,"* By: Gabriel Greschler, The Jewish News of Northern California, September 23, 2020. Available at: <https://www.jweekly.com/2020/09/23/zoom-and-facebook-take-down-khaled-event-organizers-scramble-for-new-platform/>) it nonetheless was undertaken by SFSU. And indeed, the fact that it was shut down by YouTube, and previously denied service by both Facebook and Zoom, for the reason is they realized it may contradict anti-terrorism laws, further demonstrates that SFSU needs to be held accountable.

² Terrorist Designations and State Sponsors of Terrorism - Foreign Terrorist Organizations, Bureau of Counterterrorism. Available at: <https://www.state.gov/foreign-terrorist-organizations/>

³ See: The Spin Room, Sent 5:13PM, Sep. 23, 2020.
<https://twitter.com/TheSpinReport/status/1308877192621895686>.

⁴ "I Had to Be the Voice of Women': The First Female Hijacker Shares Her Story," By: Leila Ettachfini, August 4, 2016, Vice. Available at: https://www.vice.com/en_us/article/9k99k7/leila-khaled-first-female-hijacker-profile.

terrorist, Ms. Khaled is considered to be part of the command of the Jordanian wing of the PFLP.⁵ Indeed, the PFLP acknowledged this on their own website as late as 2017.⁶ Her involvement with this event should therefore be considered part of her ongoing work for a terrorist group.

It is precisely because Ms. Khaled continues to be a member of the PFLP that Zoom, an online conferencing company, declined to host the event. In their public statement, the company said “Zoom is committed to supporting the open exchanges of ideas and conversations, subject to certain limitations contained in our Terms of Service, including those related to user compliance with applicable U.S. export control, sanctions and anti-terrorism laws. In light of the speaker's reported affiliation or membership in a U.S.-designated foreign terrorist organization, and SFSU's inability to confirm otherwise, we determined the meeting is in violation of Zoom's Terms of Service.” Both Facebook, and later YouTube, followed Zoom's lead.

However, SFSU and Professors Abdulhadi and Kinukawa were, despite knowing this, unrepentant. As noted in Zoom's public statement, SFSU refused to confirm that Ms. Khaled was not a member, and, in fact, in a subsequent statement by SFSU implicitly confirmed that they were aware that she was a member and said only that “Ms. Khaled is not speaking as a member, representative, spokesperson, or surrogate for the Popular Front for the Liberation of Palestine,” and claimed, without further explanation, they had “no intention to violate the law.”

But merely claiming Ms. Khaled was not speaking as a member of the PFLP does not make it so, and any common sense understanding of her goal would acknowledge she was doing precisely that. In fact, before the event was cut off, Mrs. Khaled was using her platform to justify and encourage the very terrorist acts that the PFLP has frequently engaged in.⁷

The plain text of the law would suggest this arrangement is illegal.

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.*⁸

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,

⁵ "After Zoom deplatforms Leila Khaled event, Facebook and YouTube follow suit," By: Jackson Richman, September 23, 2020, JNS. Available at: https://www.jns.org/after-zoom-deplatforms-leila-khaled-event-facebook-and-youtube-follow-suit/?fbclid=IwAR2Fb8hw-Z1ELrAH3nun-ISdkNN_VikdNLAum7XXjLQew5oVtY4702WQy0

⁶ “PFLP: Deporting Comrade Leila Khaled from Italy will not silence the voice of the Palestinian people,” December 1, 2017. The page has been taken down, but screenshots available here: <https://www.docdroid.net/gYEL55n/pflp-pdf>

⁷ "Zoom cancels talk by Palestinian hijacker Leila Khaled at San Francisco State University," By: James Vincent, September 24, 2020. Available at: <https://www.theverge.com/2020/9/24/21453935/zoom-facebook-youtube-cancel-talk-leila-khaled-san-francisco-state-university>

⁸ 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>

*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[.]*⁹

While “expert advice or assistance,” means:

Advice or assistance derived from scientific, technical or other specialized knowledge.

The plain language of this statute would suggest that SFSU’s conduct violated the “service” provision. Potentially the “communications equipment” and “expert advice or assistance” provisions may be triggered by SFSU’s 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,”¹⁰ and disrupting this kind of activity was the intent of Congress. More specifically, the 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.¹¹

Thus, the plain language of the statute, the Supreme Court’s decision in *Holder v. Humanitarian Law Project*, three tech companies’ conclusions about this event potentially violating 18 U.S. Code § 2339A, and SFSU’s unrepentant stance provides more than sufficient grounds for a criminal investigation into SFSU’s conduct, the actions of President Mahoney, and the actions of Profs. Abdulhadi and Kinukawa, in particular.

Accordingly, in light of the seriousness of these facts, the threat these types of unrepentant actions pose to the academy, and the potential radicalization of young Americans, I hope you will give this referral the utmost consideration.

If you have any questions, please do not hesitate to reach out to my staffer,

Sincerely,



Doug Lamborn
Member of Congress

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

¹⁰ *Holder v. Humanitarian Law Project*, 561 U.S. 1, 5 (2010).

¹¹ *Id.* At 24.