

Sunday, April 30, 2017

To Whom It May Concern:

We are deeply disturbed to learn that representatives of Hamas, a U.S.-designated foreign terrorist organization (FTO), are scheduled to meet at the InterContinental Doha – The City hotel this Monday, May 1<sup>st</sup>.

As you may be aware, it is illegal for any U.S. person (including corporate entities) to provide material support to a designated terrorist organization. 18 U.S.C. § 2339B(a)(1) provides:

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 death of any person results, shall be imprisoned for any term of years or for life.

According to 18 U.S.C. § 2339A(b)(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[.]<sup>1</sup>

As the U.S. Supreme Court stressed in *Holder v. Humanitarian Law Project*, the U.S. Congress deliberately crafted a broad description for material support because it found that “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>2</sup>

The *Holder* court further specified that material support includes “advocacy performed in coordination with, or at the direction of, a foreign terrorist organization,”<sup>3</sup> and detailed other ways that material support meant to “promote peaceable, lawful conduct”<sup>4</sup> can further terrorism. Material support lends legitimacy to FTOs—“legitimacy that makes it easier for those groups to persist, to recruit members, and to raise funds—all of which facilitate more terrorist attacks.”<sup>5</sup> In addition, “[p]roviding foreign terrorist groups with material support in any form . . . furthers

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<sup>1</sup> Emphasis added.

<sup>2</sup> *Holder v. Humanitarian Law Project*, 561 U.S. 1, 5 (2010) (emphasis added).

<sup>3</sup> *Id.* at 24.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 30.



terrorism by straining the United States' relationship with its allies and undermining cooperative efforts between nations to prevent terrorist attacks.”<sup>6</sup>

Should InterContinental host the organization Hamas or any of its members—tomorrow or on any other date—both InterContinental and its employees would be recklessly exposing themselves to criminal and civil liability under U.S. federal law. InterContinental's regional headquarters in Atlanta, Georgia, is squarely within the jurisdiction of the United States.

We strongly urge you to reconsider hosting Hamas at your fine hotel.

Sincerely,

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<sup>6</sup> *Id.* at 31.