MUSLIMS FOR JUST FUTURES
MuslimsforJustFutures.org

The Criminalization of Solidarity

A Practical Guide for Movements and Communities Navigating

Material Support for Terrorism (MST) Laws

Authored by Muslims for Just Futures Legal Network | March 2025
By Bina Ahmad and Darakshan Raja
With review by Nabihah Maqbool, Amber Qureshi, and in consultation with
Shayana Kadidal of the Center for Constitutional Rights

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The content of this guide has been prepared by Muslims for Just Futures for informational purposes only and does not constitute legal advice. We recommend groups and individuals reach out to licensed attorneys for individualized legal advice.

Introduction

Trump's latest Executive Orders ("EOs") on Protecting Americans from Foreign Terrorists, Protecting the U.S. from "Invasion" and Designating Cartels as "Foreign Terrorist Organizations" have raised alarm bells about the expansion of criminalization, authoritarianism, and the "War on Terror" apparatus.[1] These orders hint at an intent to increasingly use the material support statute and related sanctions schemes in federal prosecutions. The government is relying on the fear of these prosecutions to suppress communities, organizing, and destroy solidarity. Proposed legislation, such as the Nonprofit Killer Bill or HR9495, have heightened legitimate fears and concerns about how these laws and classifications could be used to undermine and dismantle civil society organizations. By equipping ourselves with critical knowledge, the language of state power, and strategies to continue moving in solidarity, we hope to strengthen our collective resolve to fight this repression.

This guide on the criminalization of material solidarity builds upon *Muslims for Just Futures' Guide for Grassroots Groups: Fiscal Sponsorship, Bail Funds, and Mutual Aid Basics*, with a focused analysis of material support for terrorism laws.[2] MST laws have been used against humanitarian organizations providing medical aid and food, organizers and advocates pushing for accountability for government repression, and criminal defense attorneys. This document provides a strategic analysis of material support for terrorism ("MST") laws and their impact on movement organizations and communities. It includes the following:

- Key Terminology & EO 14157 Explainer – Defines essential terms and includes a detailed chart breaking down the Material Support Statute (18 U.S.C. 2339A/B) ("MST") and Global Terrorism Sanctions Regulations ("GTSR"). It examines EO 14157 designating cartels and organizations as Foreign Terrorist Organizations ("FTOs") and Specially

[1] Muslims for Just Futures, *Guidance for Frontline Responders and Policy Advocates | Decoding Trump's Authoritarian Orders: Implications for BAMEMSA and Immigrant Communities,* (Jan. 2025), available here.

We'd also like to explicitly thank Shayana Kadidal from Center for Constitutional Rights for his guidance, in depth legal research and support in developing this guide.

[2] Muslims for Just Futures, *Grassroots Guide for Grassroots Groups: Fiscal Sponsorship, Bail Funds, and Mutual Aid Basics* (2024), available here.

Designated Global Terrorists ("SDGTs"). It is followed by the potential impacts of these EOs and designations on civil society, social services providers, and communities.
- State-Level Legislation & Lawfare – This section includes a mapping of how state governments have increasingly adopted MST laws, mirroring federal counterterrorism statutes and expanding avenues for prosecution. This section notes the importance of state-level advocacy as a crucial battleground for resisting unjust policies and lawfare that threatens our social justice movements, and the broader existence of civil society.
- Case Studies – Highlights previous prosecutions, including the Holy Land Foundation, NAIT, KindHearts, and Lynne Stewart's prosecution. These case studies are followed by key lessons and takeaways for broader social movements.
- Limits of Solidarity – Analyzes the legal constraints on organizational solidarity when groups are designated as FTOs or SDGTs. It is essential to recognize that this analysis strictly pertains to legal restrictions.
- Recommendations & Scenario Planning – Provides scenarios on legal defense, financial security, and movement resilience for the next four years.

This guide is intended for community organizers, activists, advocates, and movement lawyers with the knowledge to navigate and resist state repression while strengthening movement infrastructure.

Section I. Key Terminology and Definitions: What Does This Mean?

Federal Terrorist Organization Designations: The federal government has broad powers to declare foreign organizations or individuals as "terrorist" organizations or persons, and federally criminalize any "material support" of these organizations or people. Organizations can be designated on two federal lists: (1) the United States Secretary of State list of foreign organizations as "Foreign Terrorist Organizations" ("FTOs"), a list restricted to "organizations" that are "foreign"; and (2) the Treasury Department list of organizations *or* persons as "Specially Designated Global Terrorists" ("SDGT"s). The differences between these two lists are technical, but both are utilized as government tools to instill fear, chill organizing, and further collective punishment against communities targeted by state violence. The vast majority of the designated organizations are Muslim organizations. As of the publication of this guide there are 68 organizations on the FTO list, and another 10,000 organizations on the SDGT list.

What kind of support is prohibited under "material support for terrorism" (MST) ? Federal law criminalizes providing any support to organizations or people on either of these two lists. Support is a very broad and vague term. It encompasses giving support in the form of:

- ➔ Goods and money
- ➔ Training and expert advice & assistance
- ➔ Personnel (including yourself)
- ➔ Any services including legal services

These federal statutes also criminalize conspiring to provide support, attempting to do so, or aiding and abetting the crime at the same level of punishment as commission of the crime itself. It is important to note that this criminalized "support" includes communicating with an FTO or SDGT to train them on peacemaking or engaging in nonviolent means of organizing. Given how vague and broad guidelines are on these issues, a best practice is to directly consult an attorney for further clarification.

Non-Governmental Organizations ("NGOs") are subject to the same prohibitions as everyone else, but are granted some narrow exemptions *so long as the support they give is intended to benefit civilians (i.e. humanitarian aid or peacebuilding), and not a designated person or entity.* However, merely having an NGO status is not sufficient to be granted an exemption from these prohibitions–NGOs must be licensed to provide the exempted services. NGO's with questions about what services they can provide to whom should consult with an attorney.

Exhibit 1: Summary Chart on the Rules and Differences Between the Two Designations

	Foreign Terrorist Organization	Specially Designated Global Terrorist
Controlling law	18 U.S.C. § 2339A, B Material Support of Terrorism	31 C.F.R. § 594.201 Global Terrorism Sanctions Regulations ("GTSR")
Designating authority	State Department	Treasury Department
Type of entity	Foreign Organizations	Individuals or Organizations
Intent	A person or organization is liable if it knowingly provides support to an FTO, but "knowingly" is interpreted by the government to include having "reasonable cause to believe" the organization they are supporting is/has been acting directly or indirectly on behalf of an FTO. In reality, juries are the ones who interpret "knowledge" based on circumstantial evidence.	A person or organization can be liable for supporting an SDGT *only* if they "wilfully act," meaning they know the person or organization they are supporting is a designated SDGT, know what they are doing is illegal, and still provide support.
Can a private individual civilly sue for this act?	Yes, governments or private individuals	No, government prosecution only
Immigration	Automatic immigration entry bar for people who are seen as supporting FTOs. This could include individuals who have to flee from areas and regions controlled by groups designated as FTOs. Those inadmissible under this section are also	No official automatic entry bar, but safe to assume it will create significant immigration problems. Generally there are very broad terrorism bars to entry and removal/deportation grounds.

	removable	
Can you legally challenge your designation?	Yes, within 30 days of designation. Organizations can challenge designation in the D.C. Circuit Court of Appeals, but law limits judicial review to determining whether the designation had "substantial support" in the administrative record and was not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."	SDGT designated person or org can submit to Office of Foreign Assets Control ("OFAC") evidence and arguments showing there is an insufficient basis for the designation, and propose remedial actions they think will negate the designation basis. OFAC determines if designees have credibly demonstrated they do not or no longer engage in the suspect activity. Any subsequent judicial review is only on the administrative record, but much of this record will be classified.
Legal Services	A lawyer can (and one has been) convicted for providing legal advice if the purpose and intent of giving the legal advice is to facilitate the commission of a crime. This is technically true for any legal work lawyers do, but it has actually been applied in the FTO context, which is important to note as lawyers may feel immune to these systems. The constitutional safe harbor is the only provision lawyers can rely on to protect their legal advocacy. But this safe harbor due process right to counsel still applies regardless of what one is charged with.	Much broader than legal services permitted under MST/FTO; allows certain legal services including: (1) Legal advice and counseling on compliance requirements provided that such advice and counseling are not provided to facilitate transactions in violation of this part; (2) Representation of persons when named as defendants in domestic civil proceedings; defending against sanctions; defending against detention or any charges; (3) Legal services in any other context where law requires access to legal counsel at public expense.

Section II. Executive Order 14157: EO Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists [3]

This section builds upon Section I: Key Terminology and Definitions by examining how EO 14157 expands the scope of FTO and SDGT designations to include transnational criminal groups, particularly Latin American cartels. EO 14157 designates certain international cartels and transnational criminal organizations, such as MS-13 and Tren de Aragua, as FTOs and SDGTs. By invoking the International Emergency Economic Powers Act ("IEEPA"), the EO has declared a national emergency to combat these groups, authorizing severe measures such as asset freezes, immigration enforcement actions, and the potential application of the Alien Enemies

[3] Executive Order No. 14157, "Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists" The White House, (Jan. 20, 2025) available here.

Act to expedite removals. The order directs the Secretary of State, Attorney General, and Secretary of Homeland Security to recommend designations and take operational steps, including preparing facilities, to address the presence of these organizations.

Exhibit 2: Summary of EO 14157 and its Impact

Category	Key Implications
Organizations	EO 14157 (January 20, 2025): Requiring the Department of State to designate certain Latin American groups as FTOs. On February 20, 2025, pursuant to the EO, the State Department designated these 8 organizations: [4] 1. Sinaloa Cartel (Mexico) 2. Jalisco New Generation Cartel (CJNG) (Mexico) 3. Gulf Cartel (Mexico) 4. Northeast Cartel (Mexico) 5. La Nueva Familia Michoacana (LNFM) (Mexico) 6. United Cartels (Mexico) 7. Tren de Aragua (Venezuela) 8. Mara Salvatrucha (MS-13) (El Salvador). EO 14175 (January 22, 2025): Designated Ansar Allah as an FTO (redesignating Houthis as an FTO) primarily impacting Yemeni communities.
Legal & Immigration Impact	Expanded use of legal tools such as the Alien Enemies Act and national security measures. This move enables harsher penalties for individuals involved with these groups and asset freezes. The designation will allow U.S. prosecutors to impose sanctions against people convicted of being members of the organizations or providing them with material support. It further sets the ground for potential military action. Labeling a group as an FTO would allow the U.S. to use the Department of Defense's resources, including military action and potential drone strikes. [5]
Economic Impact	Disruptions due to sanctions and regulations in: • Financial services: banks and financial service providers handling remittances may face increased scrutiny or restrictions impacting cross-border money flow. • Transportation: firms in logistics and cross-border trade may face additional regulations or disruptions if their routes go through areas controlled by FTO-listed organizations.

[4] Federal Register: "Specially Designated Global Terrorist Designations of Tren de Aragua, Mara Salvatrucha, Cartel de Sinaloa, Cartel de Jalisco Nueva Generacion, Carteles Unidos, Cartel del Noreste, Cartel del Golfo, and La Nueva Familia Michoacana," 90 FR 10030, State Dept. (Feb. 20, 2025), available here.
[5] José de Córdoba, "Trump's Next Fight With Mexico: Designating Drug Cartels as Terrorists", The Wall Street Journal (Feb. 19, 2025), available here.

	• Agriculture: growers of key crops often cultivated in regions with organized crime could face challenges in supply chain disruptions, regulatory crackdowns, or reputational risks. For example, many Mexican farmers pay the cartel for water access in the Mexican state of Sinaloa, or mining companies pay extortion money to cartels.
Civil Liberties Concerns	Risk of broad government actions affecting civil society groups, asylum seekers, and immigrant communities. There is extensive evidence demonstrating that gang databases in the United States frequently misidentify individuals, including children, and such classifications pose significant risks. For instance, in August 2017, the American Civil Liberties Union ("ACLU") sued former Attorney General Jeff Sessions, Immigration and Customs Enforcement ("ICE"), and the Office of Refugee Resettlement ("ORR") for illegally detaining immigrant teenagers in California based on unfounded claims of gang affiliation. The lawsuit revealed that these youth were arrested without evidence, transferred to remote detention facilities without informing their parents or legal representatives, and denied any opportunity to contest the accusations. This legal action highlights the systemic problem of immigrant teens being unjustly detained and criminalized due to baseless gang-related allegations.[6]
Impact on Nonprofits	Nonprofits, including faith-based organizations, food banks, and community services groups supporting migrants, could face severe risks under the broad scope of FTO designations and material support laws. Assisting migrants could lead to prosecution or asset freezes, crippling their ability to operate. Gang intervention programs and organizations providing aid to marginalized immigrant communities may also face legal challenges.[7]

This expansion of terrorism designations to encompass criminal organizations is dangerous and carries significant civil liberties and human rights implications. Treating cartels as terrorist entities is not only unnecessary, but broadening FTO designations enables collective punishment and the targeting of individuals and organizations merely accused of association. This includes those who are victims of such groups, and could adversely impact such individuals from seeking critical refuge and support.. The language of the order likening such groups to entities "engaged in insurgency and asymmetric warfare" expands punitive government actions—ranging from the use of Terrorism-Related Inadmissibility Grounds ("TRIG") to deny asylum seekers relief, to the justification of sweeping sanctions against entire jurisdictions. This approach increases the likelihood of aggressive prosecution strategies enhanced surveillance that may disproportionately impact migrants and marginalized communities, and potential military action against such groups.

[6] "ACLU Challenges Trump Administration's Jailing of Immigrant Teens," ACLU of Northern California (Aug. 11, 2017), available here.
[7] Rachel Levinson-Waldman, "The dangerous sweep of Trump's plan to designate cartels as terrorist organizations," Brennan Center for Justice, (Feb. 6, 2025), available here.

Section III: Proliferation of State-level Legislation and Lawfare

In recent years, state governments have increasingly adopted MST laws, mirroring federal counterterrorism statutes and expanding avenues for prosecution. While framed as measures to enhance national security and support victims of terrorism, these laws raise serious concerns about suppressing dissent, restricting free speech, and targeting nonprofit organizations engaged in critical advocacy, direct services, and community powerbuilding. This expansion aligns with the federal government's growing reliance on terrorism designations, exemplified by EO 14157.

By equating organized crime with terrorism, the EO sets a precedent for broader enforcement powers, increased surveillance, and prosecutorial overreach at both federal and state levels. These evolving legal frameworks risk criminalizing movement-building, critical material solidarity efforts, targeting marginalized communities, and imposing severe penalties on individuals and organizations accused of association with designated groups. The chart below outlines recent state-MST bills, both proposed and defeated, illustrating how state governments are institutionalizing these enforcement mechanisms. As these laws continue to expand, state-level advocacy remains a crucial battleground for resisting unjust policies and lawfare that threatens our social justice movements, and the existence of civil society

Exhibit 3: State-level MST Laws and Developments

Laws	State-Level MST Laws - Policy Tracker as of February 19th, 2025 (for active legislation, please visit the bill page linked below to view current status).
OK HB 1306 (Feb 2025) Adding definition to Oklahoma Terrorism Act In Committee (2/4: 2nd reading and referred to Rules Committee) Oklahoma House	Adds a new FTO definition: "Foreign Terrorist Organization" means three or more persons operating as an organization at least partially outside the U.S. who engage in criminal activity and threaten the security of this state or its residents including, but not limited to, a drug cartel. Analysis: The bill aligns with the federal designation of FTOs but controversially extends the definition to drug cartels, raising concerns about the broad application of terrorism laws to non-traditional entities.
VA HB 1650 (2025) - Virginia Antiterrorism Act	This legislation defines "material support" and "terrorist-supporting organizations," establishes a private right of action for plaintiffs to sue, extends statutes of limitation, and allows successful plaintiffs to recover triple damages, fees, and costs.

Coalition Effort - Defeated	The bill grants the Attorney General broad powers to investigate and target civil society organizations, raising concerns about free speech suppression and the disproportionate impact on Muslim, Palestinian, Arab, immigrant, and social justice groups. It creates a presumption of guilt for individuals or organizations engaged in financial transactions that could be construed as supporting terrorism, undermining due process protections. Additionally, the bill's retroactive application and broad definitions of material support could impose severe financial burdens, encourage private lawsuits, and potentially criminalize advocacy efforts, posing a serious threat to civil liberties and social justice movements. For more information, review Muslims for Just Futures' one-pager on the bill here, including coalition efforts to defeat the bill
Senate Bill 523 (2024) Georgia: Offenses Against Public Order and Safety; Criminal offenses related to material support of terrorism Status: Bill did not advance further	Georgia's SB 523 attempted to expand GA's existing broad terrorism laws by creating new felony offenses for providing "material support" for terrorism, despite similar federal laws already in place. Critics, including the ACLU, warned that the bill's broad definitions could criminalize low-level offenses and suppress political dissent, raising serious constitutional concerns. Georgia's existing terrorism laws have already been used against activists, including those protesting the Atlanta police training facility known as "Cop City," where dozens of people were charged under anti-terrorism statutes. Rights groups argued that SB 523 reflected a growing trend of states enacting overbroad terrorism laws that risk being misused to target political protest and free expression.
22 State AG's file an Amicus Brief in support of Material Support for Terrorism Case September 23, 2024 Status: Case is ongoing	The brief argues that states have a strong interest in holding supporters of terrorism accountable and ensuring victims can seek financial compensation under the Anti-Terrorism Act ("ATA"), with many states enforcing their own material support laws that complement federal statutes. It alleges that Americans for Muslims in Palestine ("AMP") and National Students for Justice in Palestine ("NSJP") have provided material support to Hamas and falsely claimed acted as its propaganda and recruiting wing in the US. Under the ATA, victims of terrorism can sue entities that provide material support to terrorist groups, and the states argue that the lawsuit should proceed to ensure accountability. AG Offices and States that filed the amicus brief: State Attorneys General Involved: Virginia (Jason S. Miyares), Iowa (Brenna Bird), Alabama (Steve Marshall), Alaska (Treg Taylor), Arkansas (Tim Griffin), Florida (Ashley Moody), Georgia (Christopher M. Carr), Indiana (Theodore E. Rokita), Kansas (Kris Kobach), Kentucky (Russell Coleman), Louisiana (Liz Murrill), Missouri (Andrew Bailey), Montana (Austin Knudsen), Nebraska (Michael T. Hilgers), North Dakota (Drew Wrigley), Oklahoma (Gentner F. Drummond), South Carolina (Alan Wilson), South Dakota (Marty Jackley), Tennessee (Jonathan Skrmetti), Texas (Ken Paxton), Utah (Sean D. Reyes), West Virginia (Patrick Morrisey).

For long-term advocacy, we recommend repealing 18 U.S.C. § 2339 A and B at the federal level and opposing state-level MST bills.

Section IV: Case Studies

Examples: Muslims and broader communities of color are no strangers to the "terrorism" label.[8] In the early 2000s, the use of material support to target Muslim communities, Palestinian-American organizations and political dissidents reached a fever pitch of fear-mongering and silencing with high-profile prosecutions such as the Holy Land 5, North American Islamic Trust, KindHearts, and of defense attorney Lynne Stewart.

I. The Holy Land Foundation ("HLF"): At the time, HLF was the largest Muslim charity organization in the U.S., providing humanitarian relief to families in Gaza. The five men leading the organization who were prosecuted and sentenced under MST laws were never accused of directly funding "terrorist organizations" or attacks, nor were the Palestinian charities they funded accused either. Rather, the government alleged the organization gave money to other organizations that were "fronts to fund Hamas," even as the HLF gave money to many of the same charities that USAID (run by the State Department) supported. The criminal convictions in 2008 stemmed from government surveillance that began in the early 1990s under the Foreign Intelligence Surveillance Act (FISA). In 1995, the U.S. designated Hamas as a Specially Designated Terrorist organization, prohibiting financial transactions with the group and freezing its assets in the U.S. On December 3, 2001, the Treasury Department's Office of Foreign Assets Control ("OFAC") designated HLF as an SDGT, citing FISA-obtained evidence of alleged support for Hamas. OFAC then froze HLF's assets and conducted a warrantless seizure of its office computers and files. After a mistrial, the 5 men were convicted in a second trial, rife with due process concerns including anonymized Israeli witnesses, and sentenced to heavy federal sentences. Some men continue to be incarcerated in the heavily restricted Communication Management Units ("CMUs") within federal prison.

This case continues to have a reverberating and deeply chilling impact on the infrastructure of Muslim, Palestinian, and Arab-American organizations, including the decision of numerous funders and donors in withholding critical funding or adding additional stringent barriers for Muslim, Palestinian, and Arab-American organizations. For more detailed information on this case, review Charity & Security Network's fact sheet here.

II. North American Islamic Trust ("NAIT"): During the HLF case, the government named NAIT, ISNA, and 244 other Muslim organizations and individuals as unindicted

[8] Muslims for Just Futures (2024). *Community Memorandum: Recommendations for A Foundational White House Islamophobia Strategy. 95 Organizations Demand A White House Islamophobia Strategy that Centers Justice & Accountability.* Available here.

co-conspirators. The government wrongly included NAIT on a list of “co-conspirators” or “joint venturers” in the HLF case, labeling it as a member of the U.S. Muslim Brotherhood without providing any explanation in its legal brief or public statements. The lead prosecutor later admitted that the list was merely a “legal tactic” to introduce evidence but never actually presented any evidence against NAIT in court. In response, NAIT and ISNA filed a motion in 2008, arguing that this violated their Fifth Amendment rights and requested the court order the government to remove their names from the list and any related documents. On October 20, 2010, the Fifth Circuit Court of Appeals ruled in favor of the NAIT, finding that the government violated its Fifth Amendment rights by publicly naming NAIT and other Muslim organizations as “unindicted co-conspirators” in the HLF case without evidence or due process.

III. KindHearts: KindHearts was a domestic, Ohio-based charity organization that the government provisionally designated as an SDGT and froze their assets. KindHearts sued in 2009 under Fourth Amendment grounds for seizure without probable cause. The court found OFAC violated KindHearts’ due process rights by failing to give them meaningful notice and an opportunity to be heard. OFAC waited a year to produce documents to KindHearts, which was 2.5 years after the initial seizure, and turned over redacted memorandums explaining KindHearts’ designation. Finally, the case was settled where the government agreed to remove all block orders and pay KindHearts’ legal fees. The settlement ended the litigation by allowing KindHearts to pay its debts and distribute the remaining funds among a list of approved charities before it dissolved. For more detailed information on this case, review Charity & Security Network’s fact sheet here.

IV. Defense attorney Lynne Stewart represented the “blind Sheikh” Omar Abdel Rahman accused of the 1993 World Trade Center bombing. A fierce and formidable attorney, Lynne was accused of providing a communications outlet for then-FTO, Egypt’s Al-Jama'a al-Islamiyya, but *not* for providing legal services to it. She was convicted for conspiracy to support specific acts of terrorism under 18 U.S.C. § 2339A, a provision that prohibits providing material support for a specific act of terrorism, rather than to an FTO. Ultimately, she simply advocated for her client and facilitated the sending of one press release on behalf of her incarcerated client. Lynne was convicted in 2005, though initially sentenced to two years, the prosecution appealed, arguing her acts warranted a harsher punishment, resulting in a ten-year federal sentence. Lynne was released on compassionate release in 2014 due to her breast cancer diagnosis and passed away in 2017.

V. Abdulrahman Farhane was unjustly targeted through a sting operation following 9/11 when the government was rounding up Muslims and falsely accusing them of terrorism. He was charged with conspiracy to provide material support for terrorism and making false statements to law enforcement officers in connection with a terrorism investigation. He ultimately pleaded guilty to conspiracy to launder money and lying to federal agents in 2006 and served 11 years in prison. Shortly after his release, the U.S. government began civil denaturalization proceedings against him to strip him of his U.S. citizenship based on his guilty plea. Even though Farhane was not arrested, charged, or convicted of any crimes before he naturalized, the government alleged that Farhane knowingly committed crimes before he was naturalized and lied about them during his naturalization process. For more information about Farhane's case, review the CUNY CLEAR Project's website here.

Key Lessons: These laws and examples are meant to scare us from doing our work, but what makes us safer is being aware of these threats, using that information to inform our organizing strategies, and maintaining solidarity in the face of the repression. These cases point to the importance of setting up rigorous legal, organizational, and community defense infrastructure. Many of these legal battles took years and decades, and some are still ongoing. Here are some key lessons we can apply to the present and the future:

- [ ] We must be careful to vet where we are sending funds, to whom, and how. Sending money to large established organizations who are fundraising to support families in Gaza can be a safer way to support Gazans than trying to send money directly. Many of these organizations are required to pass governmental vetting in order to operate. We recommend being diligent about checking FTO lists prior to sending direct funds.

- [ ] The *way* we do our advocacy matters. When Fahad Hashmi was facing material support charges, that his supporters advocated packing the courtroom ("500 [people] at 500 [Pearl St Courthouse]") was cited as proof of his dangerousness. Other political cases have experienced the same impact. Activists facing political prosecutions whose supporters staged spontaneous protests for them have been penalized at their sentencing for their supporters' acts, acts of support the accused had no control over, and had these solidarity acts referenced at their sentencing as proof of their lawlessness and threat to the public.

- [ ] Legal and Organizing Strategies Must Be Integrated. Organizers need to think through how we support individuals and organizations that are being targeted. It's critical that organizing and advocacy strategies are in alignment with legal defense strategies to prevent harmful interventions. Simultaneously, legal defense strategies should focus on collective defense strategies and take into account the impact of individual legal defense strategies for a case that can result in setting dangerous precedents that are harmful for broader collective legal defense strategies.

- [ ] Conduct Judicial Research: In instances where individuals are criminalized, solidarity and advocacy strategies should include researching judges thoroughly and adjusting campaign strategy accordingly. To effectively analyze a judge's decision-making process, review opinions they have written on similar topics, such as sentencing. This will help you understand their reasoning, priorities, and legal philosophy. Additionally, examine their affiliations, professional groups, and previous roles to gain insight into their ideological leanings. Reviewing remarks made during their Senate confirmation hearings can also reveal key positions, biases, or commitments. If dealing with judges appointed by specific administrations, study their broader judicial patterns and tendencies to contextualize their decisions.

- [ ] Attorneys are not immune from being targeted, and how we advocate matters. As movement attorneys, we must be coordinating with each other on our legal strategy and advocacy for our clients to make sure we are being consistent with one another and the movement. We must vet our legal and advocacy arguments with other trusted allies, and present a more united legal front for our movements. This means we need to make sure that our work is not co-opted by non-movement organizations or lawyers who see an opportunity to make a name for themselves using their legal work, without working with movement lawyers to learn from them and get the consent and guidance from movement partners, and ultimately to be allied with the movement. This also includes *lawyers* treating one another with the politics and respect we espouse.

Section V: Limits of Solidarity

This section analyzes the legal constraints on organizational solidarity when groups are designated as FTOs or SDGTs. It is essential to recognize that this analysis strictly pertains to legal restrictions. Given the increasing use of such designations to politically target and suppress civil society groups, organizations and coalitions must be extremely cautious not to engage in any support of designated organizations and instead should focus solidarity on condemning the broader political systems enabling these designations and prosecutions.

Note: these designations can apply to non 501c3 organizations.

Prior to designation, it is difficult for an organization to know they are being investigated until OFAC freezes their assets, or they are visited by federal law enforcement.

Generally, once an organization or person has been designated, it is best to refrain from:

- ➔ Releasing statements directly in solidarity or standing-with these organizations
- ➔ Linking to the organization's website
- ➔ Sharing the designated organizations' statements

- ➔ Donating, sharing funds with or fundraising for the organization (including Go-Fund Me campaigns)
- ➔ Collaborating with or supporting the organization, such as inviting them to speak on panels, giving them advice, providing them with personnel, or training them
- ➔ Receiving financial assets for the designated organization

We strongly advise anyone with questions about a specific organization to consult an attorney experienced in federal criminal prosecutions and MST prosecutions.

If an organization is being wrongfully accused of supporting an FTO through frivolous lawsuits, congressional hearings, and right-wing targeting, AND hasn't been designated, groups can offer solidarity in the following ways:

- Issue direct statements naming the targeted organization, including linking to the website, any calls for financial assistance and fundraising
- Share statements from the organization
- Show up in solidarity with the organization, including co-hosting events

*Seek Direct Legal Guidance: If facing wrongful accusations, consult an experienced attorney to navigate legal risks and ensure compliance.

In summary, navigating the legal constraints on organizational solidarity when groups are designated as FTOs or SDGTs requires extreme caution. The broad and often politically motivated use of these designations underscores the need for organizations to focus their efforts on condemning the systemic issues. Second, organizations should also include assessments of risk tolerance and institutional capacity to fight such designations as they prepare plans and responses for preparedness. Third, in instances where organizations and groups want to show up in solidarity with individuals and entities that are criminalized and facing criminal prosecutions, it's important to practice caution and ensure that the tactics of solidarity are useful to individuals and groups. As outlined above, the *way* we do our advocacy matters.

Section VI: Key Recommendations for Organizations that are facing targeting and are potentially concerned:

Key Recommendations for Organizations that are facing targeting and are potentially concerned:

- ➔ Call an Attorney: We strongly recommend that anyone with questions about a specific organization consult an attorney experienced in federal criminal prosecutions and MST prosecutions. Your local Federal Public Defender Office is the best place to call and seek help from when facing federal law enforcement and federal charges. Don't delay: If you get a letter from OFAC stating your assets are being frozen, get a knock on the door from the FBI, or have any other inkling that you are being investigated, call the Federal Public Defender right away.
- ➔ DO NOT WAIT UNTIL YOU ARE FORMALLY CHARGED OR ARRESTED, AND DO NOT SPEAK TO FEDERAL LAW ENFORCEMENT WITHOUT A LAWYER. DO NOT CONSENT TO A SEARCH OF YOUR HOME, DEVICES OR DOCUMENTS.
- ➔ Set aside a legal fund to cover legal fees and potential litigation costs.
- ➔ Prepare your organization, family and friends to handle things in case you are seized (both professionally and personally).

Section VII: Conclusion

What Must Movements and Organizations Prepare For in the Next 4 Years: Scenario-Planning for the Future of MST Laws

As movements we must respond from a place of power. The ability of our movement ecosystems to fortify and build coherent strategies will directly influence the impact of these MST laws on the future of our movements and communities. The scenarios below are designed to invite movement groups to scenario plan under three types of potential outcomes. You may use the scenarios below in conjunction with MJF's chart on mapping threats and MST in our initial guide for movement groups on page 6 here.

Exhibit 4: Worst to Best Case Scenarios

Scenario	Outcomes
Worst-Case Scenario (absent unforeseen circumstances or decisions)	Widespread adoption of MST laws expanding prosecutorial powers and financial penalties, criminalizing advocacy, humanitarian aid, solidarity, and movement-building. Increased federal-state coordination leads to aggressive prosecutions, surveillance, and for certain individuals, the risk of deportations. Movements are unable to provide critical community defense and support as they weather the direct targeting and attacks from the state. Movement Preparedness: Weak and Uncoordinated (Fragmentation, Internal in-fighting, and Lack of Coordinated Strategy) Legal Defense Infrastructure: Incompetent, Weak and Uncoordinated Philanthropic Support: Weak and Nonexistent (Risk Aversion)
Intermediate Scenario	Fragmented expansion where some states push aggressive MST laws, while others face legal challenges, creating a patchwork of enforcement. Civil rights groups challenge extreme provisions, limiting their reach in certain jurisdictions. However, ongoing state-level efforts keep legal and financial risks for advocacy groups alive. Legal battles limit extreme applications, but inconsistent enforcement across states creates uncertainty for advocacy groups. Movement Preparedness: Mixed Legal Defense Infrastructure: Mixed Philanthropic Support: Mixed
Best-Case Scenario	Strong and coordinated resistance from advocacy, movement-building and powerbuilding groups and legal organizations leads to successful court challenges, community and nonprofit preparedness. Solid protocols and plans, including clear strategies and tactics of fortifying organizations and movement groups from an integrated federal, state, and local-level strategy. Movements have prepared strong legal defense and financial infrastructure to weather the attacks. Public and political pressure forces some states to repeal or not pass MST laws. A potential federal legal challenge establishes limits on state enforcement, preventing misuse against activists and civil society organizations. State legislatures and local legislatures fortify civil society and movement groups through strong state-level coalition-building and advocacy efforts. Movements build nimble structures. Community organizing is able to provide critical financial and mutual aid support to communities experiencing deep divestment due to the gutting of government social services and expanded government criminalization, while defending the existing movement infrastructure. Movement Preparedness: Strong and Coordinated Legal Defense Infrastructure: Strong and Coordinated Philanthropic Support: Strong and Coordinated

The trajectory of MST laws will be shaped by the strength, coordination, and preparedness of movement ecosystems. The outcomes outlined above demonstrate that without a coordinated and integrated strategy, movements risk severe criminalization, financial penalties, and suppression. However, by investing in proactive legal defense, robust infrastructure, and strategic coalition-building, movements can successfully challenge and even limit the reach of these laws.

The best-case scenario is within reach where movements not only defend against state repression but also build long-term power through legal victories, philanthropic support, and community-driven advocacy. Achieving this future requires immediate and sustained action: strengthening cross-sector alliances, implementing legal and financial protections, and ensuring movement groups operate with clarity and coordination. The choices made now will determine whether movements remain fragmented and vulnerable or emerge stronger to build just futures.

Additional Resources

- Center for Constitutional Rights | https://ccrjustice.org
  - Holder v. Humanitarian Law Project | Center for Constitutional Rights
  - Report by Palestine Legal and CCR: Anti-Palestinian Animus at Root of U.S. Anti-Terrorism Laws, New Report Reveals — Palestine Legal
- Charity & Security Network | charityandsecurity.org
- CUNY CLEAR | www.cunyclear.org
  - United States v. Uzair Paracha — CLEAR
- MLFA | United States v. Jason Fong | ALL MATERIAL SUPPORT CHARGES DISMISSED! – MLFA
- Sustainable Economies Law Center | theselc.org