

September 14, 2020

Mr. Eric Yuan  
Founder & Chief Executive Officer  
Zoom Video Communications, Inc.  
55 Almaden Boulevard, 6th Floor  
San Jose, CA 95113

**Re: Unlawful provision of material support to designated foreign terrorist organization by San Francisco State University using Zoom service**

Dear Mr. Yuan:

As a brief introduction, I am an attorney and write on behalf of The Lawfare Project, a non-profit legal think tank and litigation fund based in New York City that focuses on matters of civil and human rights, discrimination, anti-Semitism, and counter-terrorism.

I write to bring to your attention that Leila Khaled—a notorious member of the Popular Front for the Liberation of Palestine (the “PFLP”), which is a U.S.-designated foreign terrorist organization<sup>1</sup>—is scheduled to speak at an online event (the “webinar”) that will be hosted by San Francisco State University (“SFSU”) on September 23, 2020.<sup>2</sup> According to the Facebook event listing, the webinar will utilize the video conferencing service of Zoom Video Communications, Inc. (“Zoom”). Given Khaled’s membership in the PFLP, we are deeply concerned that her participation in this webinar and Zoom’s provision of its platform to communicate directly to U.S. college students (and others) may give rise to violations of 18 U.S.C. § 2339B, which makes it unlawful to provide material support or resources to a foreign terrorist organization. Accordingly, we caution Zoom to prohibit the use of its service for purposes of the webinar.

Khaled’s membership in the PFLP is well-documented. After she was blocked from entering Italy in 2017,<sup>3</sup> the PFLP issued a statement condemning Italy for denying her entry and, on its English-language website, explicitly acknowledged Khaled as a “member of [the terrorist organization’s] Political Bureau.”<sup>4</sup> It is also well-documented that Khaled played a critical role in two airplane hijackings, one of which resulted in the loss of life.<sup>5</sup> The terrorist activity of the PFLP has been so egregious that, in 2018 and 2019, PayPal barred a UK-based charity and a

<sup>1</sup> <https://www.state.gov/foreign-terrorist-organizations/>

<sup>2</sup> <https://www.facebook.com/events/754000115385200/> (appended as Exhibits A and B)

<sup>3</sup> <https://www.jpost.com/international/italy-bars-pflp-terrorist-and-bds-advocate-leila-khaled-515546>. The PFLP is also designated as a terrorist organization by the European Union.

<sup>4</sup> <https://english.pflp.ps/2017/12/01/pflp-deporting-comrade-leila-khaled-from-italy-will-not-silence-the-voice-of-the-palestinian-people/> (appended as Exhibit C)

<sup>5</sup> [https://www.vice.com/en\\_us/article/9k99k7/leila-khaled-first-female-hijacker-profile](https://www.vice.com/en_us/article/9k99k7/leila-khaled-first-female-hijacker-profile)



North America-based NGO, both closely tied to the PFLP, from using its online payment service.<sup>6</sup>

18 U.S.C. § 2339B states, in part:

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>

As the U.S. Supreme Court emphasized in *Holder v. Humanitarian Law Project*, the U.S. Congress deliberately crafted a broad definition 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>9</sup> The Court clarified that material support includes “advocacy performed in coordination with, or at the direction of, a foreign terrorist organization,”<sup>10</sup> and detailed other ways that material support meant to “promote peaceable, lawful conduct”<sup>11</sup> can further terrorism.

Zoom’s video conferencing service constitutes a “service” for purposes of 18 U.S.C. § 2339B. Additionally, as to the statutory requirement that prohibited material support or resources must be provided “knowingly,” this letter serves to put Zoom on notice of the intended provision of its service to a member of a foreign terrorist organization. If Zoom nonetheless permits SFSU to use its video conferencing service for this purpose, Zoom may be criminally liable for violating 18 U.S.C. § 2339B.

It is important to emphasize that the nature and content of Khaled’s conversation during the webinar is wholly irrelevant to criminal liability under 18 U.S.C. § 2339B. The mere facts that

<sup>6</sup> <https://www.thejc.com/paypal-withdraws-donations-to-uk-charity-accused-of-having-terror-links-1.471410>; <https://www.jns.org/paypal-among-online-payment-platforms-that-shut-down-services-to-bds-group-with-terror-links/>

<sup>7</sup> 18 U.S.C. § 2339B(a)(1)

<sup>8</sup> 18 U.S.C. § 2339A(b)(1)

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

<sup>10</sup> *Id.* at 24.

<sup>11</sup> *Id.* at 5.



Khaled is member of a designated foreign terrorist organization and is being provided with a platform on which to speak can give rise to a violation, even if she chooses to speak about a topic completely unrelated to terrorism.

I appreciate your time and consideration of this important matter and hope it will be addressed with the gravity it deserves.

Sincerely,

A handwritten signature in black ink, appearing to be "B. Ryberg".

---

Benjamin Ryberg, Esq.  
Chief Operating Officer & Director of Research  
The Lawfare Project  
(212) 339-6995  
Ben@TheLawfareProject.org

cc: Aparna Bawa, Chief Operating Officer & Interim Chief Legal Officer  
Jeff True, General Counsel

# EXHIBIT A

**Teaching Palestine:** Pedagogical Praxis and the Indivisibility of Justice**WHOSE NARRATIVES? GENDER, JUSTICE, & RESISTANCE:  
A CONVERSATION  
WITH LEILA KHALED****PARTICIPANTS**

Leila Khaled  
Rula Abu Dahou  
Ronnie Kasrils  
Sekou Odinga  
Laura Whitehorn

**CO-MODERATORS**

Dr. Rabab Abdulhadi  
Dr. Tomomi Kinukawa

**23**

Open classrooms of Rabab Abdulhadi (AMED Studies) and Tomomi Kinukawa (Women and Studies) for a historic roundtable conversation with Palestinian feminist, militant, and leader Leila Khaled, followed by Q&A discussion with students, activists, and scholars.

**WEDNESDAY, SEPTEMBER 23, 2020 AT 3:30 PM – 5:30 PM****Whose Narratives? Gender, Justice, & Resistance:  
A conversation with Leila Khaled**

Online Event

**Go With Friends**[See All](#)**398**  
GOING**1.7K**  
INTERESTED

Andrew is going



Whose Narratives? ...

☐ Interested☐ Going☐ Invite☐☐

Devora Cohen

Invite

## Popular With Friends



MON, SEP 14 AT 8 PM

**Virtual Cooking Class with Michael Solomonov**

Diana and Ariella

☐ Interested

MON, SEP 14 AT 7:30 PM

**End-of-Summer Backyard BBQ Bash**

Chabad Heights



Ezriel

☐ Interested

MON, SEP 14 AT 6:30 PM

**Sep 14th - NYs Biggest Tech Entrepreneur & Bizz Networking Mixer**

PHD Rooftop Lounge at Dream Downtown



Virag

☐ Interested

THIS SUNDAY AT 8:30 PM

**Buffy the Vampire Slayer Trivia Fundraiser ( via Zoom- Live Host)**

Zoom Virtual Room (East Coast time) Live Host



Gina

☐ Interested

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## Details

2.1K people responded



Wednesday, September 23, 2020 at 3:30 PM – 5:30 PM

Public · Hosted by **AMED Studies at SFSU, Yalla Indivisible** and 5 others

Online Event

Join the open classrooms of Professor Rabab Abdulhadi (AMED Studies) and Professor Tomomi Kinukawa (Women and Gender Studies) for a historic roundtable conversation with Palestinian feminist, militant, and leader Leila Khaled, followed by Q&A discussion with students, activists, and scholars at 12:30-2:30 pm PST (3:30-5:30 pm New York, and 10:30pm-12:30 am in Palestine and Jordan).

Register in advance for this webinar:

[https://sfsu.zoom.us/webinar/register/WN\\_ycpMqzqcReO3HCQJKShi5g](https://sfsu.zoom.us/webinar/register/WN_ycpMqzqcReO3HCQJKShi5g)

Participants:

Leila Khaled

Rula Abu Dahou, Acting Director, Institute for Women's Studies at Birzeit University, Palestine

Ronnie Kasrils, Palestine solidarity anti-Zionist activist and member of uMkhonto we Sizwe, 1961-1990

Sekou Odinga, Black Liberation Army, 1960s & '70s, and 33-year prisoner in US jails

Laura Whitehorn, Co-founder of Release Aging People in Prison, RAPP, and 14-year-captive political prisoner

Moderators:

Dr. Rabab Abdulhadi

Dr. Tomomi Kinukawa

Co-Sponsors:

Al-Awda: The Palestinian Right to Return Coalition

Alliance for Water Justice in Palestine

Jewish Voice for Peace- Bay Area



Jewish Voice for Peace- Boston  
Samidoun Palestinian Prisoner Solidarity Network  
SJP at UCLA  
Workers World Party  
Within Our Lifetime  
Yalla Indivisible  
**See Less**

**Other**   **Online**

## Hosts



**Yalla Indivisible**

Community Organization · Nonprofit Organization



**Al-Awda, The Palestine Right to Return Coalition**

Nonprofit Organization · Charity Organization · Education



**Jewish Voice for Peace Boston**

Nonprofit Organization · Political Organization · Non-Governmental Organization (NGO)



**Within our Lifetime • United for Palestine**

Community Organization · Community



**Workers World Party**

Political Organization



**Samidoun Palestinian Prisoner Solidarity Network**

Community · Political Organization



**AMED Studies at SFSU**

College & University · Community



# EXHIBIT B

## Teaching Palestine: Pedagogical Praxis and the Indivisibility of Justice

# WHOSE NARRATIVES? GENDER, JUSTICE, & RESISTANCE: A CONVERSATION WITH LEILA KHALED

### PARTICIPANTS

Leila Khaled  
Rula Abu Dahou  
Ronnie Kasrils  
Sekou Odinga  
Laura Whitehorn

### CO-MODERATORS

Dr. Rabab Abdulhadi  
Dr. Tomomi Kinukawa

Join the open classrooms of Rabab Abdulhadi (AMED Studies) and Tomomi Kinukawa (Women and Gender Studies) for a historic roundtable conversation with Palestinian feminist, militant, and leader Leila Khaled, followed by Q&A discussion with students, activists, and scholars.



Leila Khaled



Rula Abu Dahou



Ronnie Kasrils



Sekou Odinga



Laura Whitehorn



Dr. Rabab Abdulhadi



Dr. Tomomi Kinukawa

REGISTRATION

[bit.ly/319EFeo](https://bit.ly/319EFeo)

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Arab and Muslim Ethnicities and Diasporas  
Studies Program, SFSU • [amed.sfsu.edu](http://amed.sfsu.edu)

Women and Gender Studies Department,  
SFSU • [wgsdept.sfsu.edu](http://wgsdept.sfsu.edu)

**September 23, 2020** 12:30-2:30pm PST, 3:30-5:30pm EST, 10:30-12:30am Palestine and Jordan

# EXHIBIT C



[Home](#)  
[Statements and Positions](#)  
[Articles and Analysis](#)  
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[44th Anniversary](#)  
[Leaders](#)  
[Ahmad Sa'adat](#)  
[Abu Ali Mustafa](#)  
[Dr George Habash](#)  
[Ghassan Kanafani](#)  
[Video and Multimedia](#)  
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[Contact Us](#)



Palestinian Mass and Grassroots Organizations

Italian links



Spanish Links



Greek Links



Strategy for the Liberation of Palestine

Dec  
01  
2017

## PFLP: Deporting Comrade Leila Khaled from Italy will not silence the voice of the Palestinian people

The Popular Front for the Liberation of Palestine strongly condemned the action of the Italian authorities in denying entry to Comrade Leila Khaled, member of the Political Bureau of the Front, canceling her visa and forcing her to board the next plane to Amman. She was invited to Italy for a series of political events organized by the Arab Palestinian Democratic Union in Italy to coincide with the 50th anniversary of the launch of the PFLP.



The Front emphasized that this action followed upon a racist campaign waged by the Zionist movement and the forces of the fascist right wing in Europe over the past months against the Popular Front and the Palestinian and Lebanese Resistance. This action by the Italian authorities is part of this ongoing campaign, which will only be met with more insistence on transmitting the voice of our people to the world.

The Front further considers that the leading role of the struggler Leila Khaled and her revolutionary and symbolic role on a Palestinian, Arab and international level has enraged the Zionist state and its allies in Europe, pushing the forces of the Zionist movement to demand her arrest or deportation. They have failed to prevent her from giving public talks and appearances in Germany, Spain, Belgium, and elsewhere in Europe.

Further, the Front emphasized that this action on the part of the Italian authorities is a blatantly political decision in favor of the occupation state and racist Zionism. It does not reflect the position of the progressive, democratic forces in Italy or the values of the Italian people who reject war, racism, fascism and occupation.

The PFLP emphasized that it will, in cooperation with friends and supporters in Europe in general and in Italy in particular, continue to pursue the issue of the expulsion of Comrade Leila Khaled on political, media and legal levels.

The Front also praised all of the Italian and European voices, personalities, parties and organizations that expressed their condemnation of this unjust decision and their support for the rights of the Palestinian people and their just struggle for liberation, return and the establishment of an independent Palestine with Jerusalem as its capital.

The PFLP expressed its appreciation of the comrades in the Arab Palestinian Democratic Union for refusing to cancel the scheduled events honoring the launch of the Front despite the wave of incitement, pressure and Zionist provocations.

The Front urged all left-wing forces and supporters of Palestine in Italy to expand the campaign to boycott the Israeli occupation state and build campaigns of solidarity with the Palestinian people and their legitimate rights.

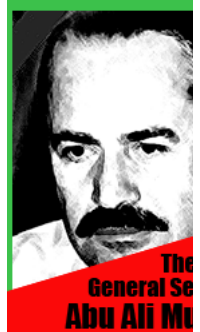
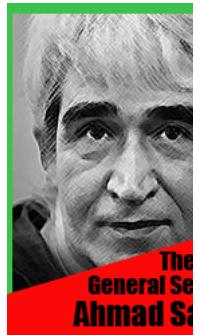
It saluted all of the efforts being made in this period against the Giro de Italia, an international cycling competition, demanding an end to the collaboration with the occupation state and that the launch of the route be removed from occupied Palestine, where it is scheduled to begin in May 2018.

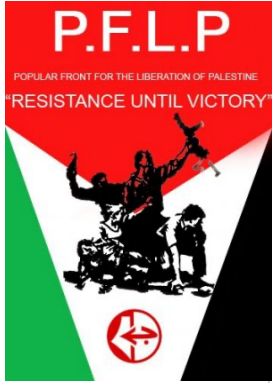
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Leaders of the PFLP





#### Arabic: Strategy for the Liberation of Palestine



#### Sixth Conference of the PFLP



#### PFLP English Archives

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In conclusion, the Front emphasized that the voice of the resistance, represented by the struggler Leila Khaled and all of the progressive and freedom-loving forces in the world, will not be silenced and will continue to pursue the occupation, its allies and supporters everywhere.

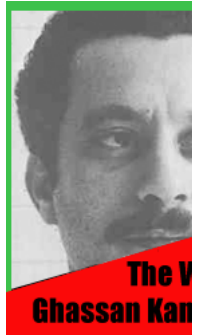
Popular Front for the Liberation of Palestine  
November 29, 2017



Sorry, the comment form is closed at this time.

PFLP: Attack on the Resistance is a U.S.-Zionist decision with Arab agents

PFLP: Our struggle - not Trump - will decide the fate of Jerusalem



#### Tasks of the New S



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