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## **Rights groups and non-profit advocates oppose terrorist designation of charities without due process**

Andrew Gilmore at 4:52 PM ET



[JURIST] A number of advocacy, rights and philanthropic groups filed an **amicus curiae brief** [text, PDF; ACLU **press release**] Friday with the US **District Court for the Northern District of Ohio** [official website] arguing against the classification of some charitable groups as terrorist organizations without due process. The brief, filed by the groups to support the plaintiffs in **KindHearts for Charitable Humanitarian Development, Inc. v. Paulson et al** [ACLU backgrounder and materials], argues that the designation of charitable groups as terrorist organizations without due process violates the groups' constitutional rights and discourage and undermine their humanitarian aid efforts. KindHearts is being represented in the litigation by the **American Civil Liberties Union** (ACLU) [advocacy website]. Among the organizations supporting the brief are **Grantmakers Without Borders**, **OMB Watch**, and the **American-Arab Anti-Discrimination Committee** [advocacy websites]. The amicus groups argue:

NPOs [Non-Profit Organizations] are in fact the government's allies in the global effort to prevent the growth and spread of terrorist organizations and activities. By providing humanitarian aid, by encouraging economic development, and by enhancing the prospects for the future for those in need, NPOs work to prevent people from losing hope. They work to prevent societies from breaking down, countries from fragmenting. This work helps to prevent the emergence of violent extremism. Unfortunately, at a time when the U.S. has so much to gain by supporting international philanthropy, such work is instead becoming increasingly difficult. NPOs should be treated as allies in the global effort to counter terrorism, but instead they have become targets and casualties. Not only are the government's actions and policies unconstitutional, but they also discourage and undermine the critical humanitarian aid provided by NPOs, and thus they are counterproductive to the government's own counter-terrorism goals.

**KindHearts v. Paulson** [complaint, PDF] was filed in October 2008 in response to an order by the US Treasury Department's **Office of Foreign Assets Control** (OFAC) [official website] that froze the assets of KindHearts for Charitable Humanitarian Development, a Toledo, Ohio based Muslim charity that has provided support to Palestinians in the West Bank, Gaza, and refugee camps in Lebanon, as well as support to those on the US Gulf Coast affected by Hurricane Katrina. According to the complaint, OFAC has alleged that KindHearts has provided support to **Hamas** [JURIST news archive] in both Lebanon and Gaza, but has given limited information to KindHearts regarding the investigation. The complaint alleges that OFAC's asset freeze, investigation, and refusal to allow KindHearts to dispute OFAC's findings are arbitrary and capricious, and violates KindHearts' **First, Fourth, and Fifth Amendment** [text] rights. KindHearts is seeking relief including an injunction vacating the OFAC asset freeze and releasing funds to pay for legal defense services, and a declaratory judgment that OFAC's actions are *ultra vires*.