

**MUSLIM CHARITY APPEALS ITS DESIGNATION
FOR IMMEDIATE RELEASE: March 7, 2011**

500 Yamhill Plaza Building
815 SW Second Avenue
Portland, OR 97204-3005
P. (503) 221-1792
F. (503) 223-1516
ashlee@sstcr.com

Muslim Charity Appeals Its Designation

Contacts: David Cole, 202.365.6779
Tom Nelson, 503.709.6397
Ashlee Albies, 503.221.1792

On Wednesday, March 9, at 9:00 AM, at Pioneer Courthouse at 700 SW 6th Ave, Portland, OR, the U.S. Court of Appeals for the Ninth Circuit will hear argument in a case challenging the constitutionality of the federal government’s authority to “designate” US nonprofits as “terrorist,” freeze their assets, and criminalize even speech engaged in for their benefit. The case, *Al Haramain Islamic Foundation v. U.S. Dept. of Treasury, et al.*, raises constitutional challenges under the First, Fourth, and Fifth Amendments to the Constitution.

The charity in question, AHIF, is a nonprofit registered in Oregon. It distributed Korans in prisons and to libraries, engaged in public education about Islam, and raised money for humanitarian relief. The government froze its assets in February 2004, designated it as terrorist in 2004, and “redesignated” it in 2008. The charity argues that the process used to designate and redesignate it violated basic tenets of fair procedure.

A principal issue is the government’s failure to provide notice of the case against the charity so that it could respond. When the government froze AHIF’s assets, it provided no statement of reasons. When it designated AHIF in 2004, it again provided no notice or statement of reasons. After the charity sued, the Treasury Department redesignated AHIF, but even then told AHIF the charges against it only when issuing the final decision, too late for the charity to respond. In addition, the government relied substantially on secret evidence. The district court ruled that this procedure violated due process, but concluded that the error was harmless.

The charity also argues that freezing all of its assets indefinitely – already for more than seven years – is a “seizure” that requires a warrant and probable cause to comply with the Fourth Amendment.

Also appealing is the Multicultural Association of Southern Oregon, a community group that seeks to advocate in coordination with AHIF to protest its treatment by the government. Under the law, however, any coordinated advocacy is a crime, even if it is merely criticizing the government’s failure to respect the Constitution.

David Cole, a professor at Georgetown University Law Center, who will be arguing the case, said, “Cutting off support for terrorism is an important goal, but the government should not be able to shut down a nonprofit without notice of the charges, without any adjudication of wrongdoing, without even a warrant or probable cause. And citizens should be free to complain about it if they believe it is unfair. These are bedrock constitutional principles, and should not be disregarded simply because the label ‘terrorist’ has been used.”

AHIF is represented by David Cole, Lynne Bernabei, Alan Kabat, Tom Nelson, and Ashlee Albies.

###

BETH CREIGHTON
MICHAEL E. ROSE
J. ASHLEE ALBIES
MICHAEL SCHUMANN,
OF COUNSEL