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<http://www.cato.org/blog/did-john-mccain-provide-material-support-syrian-terrorists>

Did John McCain Provide Material Support for Syrian Terrorists?

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One of the more far-reaching federal rules targets people who provide “material support” for terrorists. In principle, it’s hard to disagree with such an approach: terrorism is bad, so no one should support terrorists.

However, what does “material support” mean? You can go to jail for 10 years if convicted, so it would be nice to know what is prohibited.

There is more than a little nervousness in the non-governmental organization community over the rule’s reach. Warned the Center for Constitutional Rights, the law criminalizes “activities like distribution of literature, engaging in political advocacy, participating in peace conferences, training in human rights advocacy, and donating cash and humanitarian assistance, even when this type of support is intended only to promote lawful and non-violent activities. Nonetheless, the Supreme Court recently upheld the government’s broad reading of the statute to criminalize speech in the form of coordinated political advocacy.” Could I be imprisoned if I wrote a column on a group tagged as terrorist by Washington?

Unfortunately, the Washington authorities have routinely misused the concept. In separate context, the federal government denied refugee status to a teen deemed as providing “material support” for Colombian communist insurgents who murdered his parents because he was forced

at gunpoint to bury some of their victims. A Liberian woman was deemed to have provided “material support” for guerrillas who had raped her because she was forced at gunpoint to cook for them.

If the rest of us are vulnerable to extreme interpretations of the law, then lawmakers who approved the law should be subject to the same legal risks. Consider Sen. John McCain (R-Ariz.), who has been campaigning for war in Syria, just as he previously promoted war most everywhere else around the globe.

During his recent visit to Syrian rebels, he would seem to have provided “material support” to terrorists. Reports Reuters:

U.S. Senator John McCain was photographed during a trip to Syria with a man implicated in the kidnapping by Syrian rebels of 11 Lebanese Shi’ite pilgrims a year ago, a Lebanese newspaper said on Thursday.

McCain, a Republican, has been an outspoken advocate for U.S. military aid to the rebels fighting President Bashar al-Assad and made a short, highly publicized trip to meet rebel commanders in Syria three days ago.

He has insisted that the United States could locate the “right people” to help among rebel ranks infiltrated with radicalized Islamists.

However, he may have crossed paths with men linked to a group notorious in the region for kidnapping the pilgrims, the Daily Star said.

The paper said that, besides the photographs of McCain with rebel commanders, one image showed the face of Mohammad Nour—identified by two freed hostages as the chief spokesman and photographer for the Northern Storm brigade that kidnapped them.

Having his photo taken with Islamic extremists could reasonably be interpreted as an endorsement, which, based on past cases, could be seen as providing “material support” for terrorism. Presumably that isn’t what Sen. McCain intended. But the law’s application is not based on intent.

To be fair to the rest of us, the Justice Department should investigate. The alternative would be for Senator McCain to launch a legislative effort to restrict the application of the law to what most people would reasonably consider to be aiding terrorists. Make it clear that what is prohibited is actually underwriting terrorism, not engaging in activities that might be seen as vaguely assisting a group that might have acted in some ways that might be construed as terrorism.

A legislative rewrite obviously would be the best response. Still, as much as I oppose vague and ambiguous criminal enactments by the federal government, I would enjoy seeing Senator McCain in the dock. It would be cosmic justice for his support of the catastrophic invasion in Iraq and endless occupation of Afghanistan.