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Dean Logan's Blog

Prof. Peter Margulies: Our Resident Terrorism Expert

Posted by David Logan on 03/03/2010 at 12:00 AM



Last week, our own Professor Peter Margulies – a widely acknowledged expert on laws governing torture, terrorism and other cutting-edge fields of central relevance in today’s volatile political climate – was interviewed by the National Law Journal, featured in a podcast for SCOTUSblog, and appeared on a panel at the Georgetown Law School discussing a fascinating terror case currently before the U.S. Supreme Court.

The case in question is *Holder v. Humanitarian Law Project*, argued last Tuesday, Feb. 23, which asks the court to consider whether several key terms in the federal laws criminalizing terrorism—what it means to provide “prohibited material support of terrorism”—are unconstitutionally vague. Professor Margulies co-authored an amicus brief in support of the position of the United States.

The HLP argued that the material-support statute imposes guilt by association and punishes nonviolent advocacy that is protected by the free speech guarantee contained in the First Amendment. In the NLJ, Margulies argued against this view: “We’re not talking about speech here, but conduct,” he said. “When the petitioners say they want to help the Tamil Tigers get tsunami assistance, that’s not different from giving them cash.”

- Read the complete [National Law Journal](#) article.
- Read Professor Margulies’ [full brief](#).
- Professor Margulies also summarized his views orally for [SCOTUSblog](#) in a fascinating point-counterpoint podcast in which Georgetown Professor of Law David Cole, who brought the constitutional challenge on behalf of HLP and who went toe-to-toe with Solicitor General Elena Kagan at the spirited oral argument. It’s a good listen; you can find it by subscribing to the SCOTUSblog feed on iTunes.

On the day of the argument, Professors Margulies and Cole reprised their respective arguments in a “postgame” panel discussion at the Georgetown Center on National Security and the Law that featured several other attorneys who filed briefs in the case. Check out the [New York Times story](#) for a good summary of scene at the Court during arguments.



(L-R): Pam Harris, Director, Supreme Court Institute at Georgetown Law School;
Jeff Seul, Partner, Holland & Knight (Boston), Board of Directors, Peace Appeal
Foundation; Melissa Goodman, Staff Attorney, ACLU National Security Project;
Georgetown Law Professor David Cole; Tony Barkow, Executive Director, Center
on the Administration of Criminal Law at New York University;
Roger Williams Law Professor Peter Margulies