

Major federal suit against Muslim charity ends in mistrial: Holy Land Foundation

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The federal government's costly and complex terrorism-funding suit against five former officials of a now-defunct Islamic charity ended in mistrial last month—marking another high-profile setback for the U.S. Justice Department.

President Bush had announced in December 2001 that he was freezing the assets of the Texas-based Holy Land Foundation, declaring that the radical group Hamas was a major recipient of money from the charity. At the time, Holy Land was considered the largest Muslim charity in the U.S.

The case against the foundation and five of its officials, which included 197 counts, charged that Holy Land supported terrorism in sending more than \$12 million to charity groups (“zakat” committees) that build hospitals and feed the poor.

After nearly two months of presenting documents, wiretap transcripts and witnesses, including an Israeli intelligence agent whose testimony was rebutted by retired career diplomat Edward Abington, prosecutors made limited headway in convincing the jurors, who deliberated for 19 days.

U.S. district judge A. Joe Fish declared a mistrial on October 22. Jurors acquitted the defendants on some counts and were deadlocked on others. They said they were not close to convicting anyone.

David Cole, a Georgetown University law professor, told the *Los Angeles Times*, “I think this is a huge defeat for the government.”

The decision is “a stunning setback for the government; there’s no other way of looking at it,” said Dallas attorney Matthew D. Orwig to the *New York Times*. Until recently, Orwig, a Bush appointee, was the U.S. attorney for the Eastern District of Texas and served on the U.S. attorney general’s advisory subcommittee on terrorism

and national security.

There were earlier setbacks. A former college professor in Florida was acquitted two years ago of aiding Palestinian terrorists. He pleaded guilty to a lesser charge to avoid retrial. Earlier this year, a federal jury in Illinois acquitted two men of operating a recruiting and financing cell for terrorism.

Outside the courtroom in Dallas, supporters of the defendants were jubilant. Shukri Abu Baker, a former president of the charity, said, "I will let this speak for what happened."

One juror, William Neal, 33, told Associated Press that the panel found little evidence against three of the defendants and was evenly split on charges against Baker and former Holy Land chair Ghassan Elashi.

"I thought they were not guilty across the board," said Neal, an art director. The case "was strung together with macaroni noodles. There was so little evidence." Lead prosecutor James Jacks said in court that he expected the government to try the case again.

American Muslim organizations began speaking out on the long-term effects of the cloud hanging over the Holy Land Foundation and other U.S. Muslim charities for nearly six years. The charges against the charity named 306 individuals and organizations as unindicted co-conspirators in the case. The exhaustive list includes several major U.S. Muslim organizations.

"Such intimidation and harassment leveled against American Muslims and their religious, civic and charitable organizations by this administration is yet another manifestation of the recent erosion of American constitutional freedoms," said M. Cherif Bassiouni, professor of law at DePaul University and president emeritus of the university's International Human Rights Law Institute.