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A new way to fight terrorism

By Daniel Pipes

1 (May 24) - On May 13, 1996, 17-year-old David
2 Boim, an American, was standing at a bus stop in the
3 West Bank with fellow yeshiva students when two
4 Palestinian terrorists drove by in a car, shot him in the
5 head, and killed him. This tragic event led to a
6 sequence of legal moves which culminated earlier
7 this month in the filing of a \$600 million civil suit in
8 a Chicago Federal court against several alleged US-
9 based Hamas front organizations.

Here is the complex link between those two events,
exactly four years apart: It all began in October 1992,
with the passing of a US law enabling victims of
terrorism to sue for civil damages against their
aggressors.

Then, in January 1995, the Clinton Administration
declared Hamas a terrorist group whose assets could
be seized.

In April 1996, a US law passed deeming it illegal for
Americans to send any money to terrorist groups -
even if that money is ostensibly sent to support the
"humanitarian" works (hospitals, schools) supported
by those groups.

One of Boim's two killers lost his life in September
1997, in the course of a suicide attack in Jerusalem
that killed 5 civilians and injured 192.

In February 1998, the other killer confessed to
murdering Boim and a Palestinian Authority court
sentenced him to ten years in prison at hard labor.

In June 1998, the FBI seized \$1.4 million in assets
(including bank accounts, a house, and a van) from
Mohammad Salah, a Palestinian living in Bridgeview,
Ill., from someone already arrested for money-
running for Hamas, and from the Quranic Literacy

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Institute (QLI), a Moslem organization based in Oak Lawn, Illinois. An FBI affidavit explained that Salah and QLI were suspected of having laundered money for Hamas: "QLI and QLI-related entities or individuals likely were a source of funds for Salah's Hamas-related expenditures." For example, bank records revealed that QLI's president made out three checks for \$6,000 each to Salah on three consecutive days in October, 1991.

Putting all these elements together, Stanley and Joyce Boim, the parents of David, filed a civil suit on May 12, 2000, against all of their son's killers, Salah, QLI, a high-ranking official of Hamas named Mousa Abu Marzook, and "a network of front organizations" in the US whom they identified as Hamas affiliates. These included the United Association for Studies and Research, a think tank in Annandale, Virginia; the Holy Land Foundation for Relief and Development, a charity in Richardson, Texas; and the Islamic Association for Palestine, a nonprofit group also in Richardson, plus two of its affiliates.

The plaintiffs' plan to establish the existence only of a financial and communications link between the American organizations and the killers - not that those organizations specifically bought the weapons used to kill David Boim. The defendants deny any connection: Dalell Mohammed of the Holy Land Foundation asserts that HLF "is in the business of helping refugees and people in need. We don't condone any sort of violence as we are a humanitarian organization."

The plaintiffs have two goals. The more modest of them is simply to establish a precedent that any support for a designated terrorist organization makes a person legally liable for that group's actions. This could have a major effect deterring support for such organizations. Nathan Lewin, the celebrated lawyer who is handling the case for the Boims, says that a victory in this case "would put teeth into the anti-terrorism laws that the Clinton administration has so far been loath to apply."

The more ambitious goal is to win a judgment against the named organizations. If David's parents succeed at this, terrorism expert Steven Emerson points out, it would "potentially result in the defendants exposed as agents of terrorism, marginalizing them. Even more important, Hamas raises about one third of its funds

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in the United States, and this funding would pretty certainly dry up, reducing Hamas's terrorism capabilities."

Defunding QLI and the other groups has precedents and is not a quixotic dream: the Southern Poverty Law Center some years ago won a comparable civil judgment against the Ku Klux Klan, impoverishing that organization, thereby severely reducing its reach and appeal.

But were the Boims to lose on both scores, the defendants will be vindicated, Hamas will have had its American base legally certified, and the anti-terrorism legislation will be shown as hollow.

Much, therefore, hangs on this case in Chicago.

The writer is director of the Middle East Forum.

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