

Florida trial begins on terror charges against four Palestinian activists

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11 June 2005

Opening statements were delivered June 6-7 in the trial of former University of South Florida computer science professor Sami Al-Arian and three other Palestinian immigrants charged with raising funds and supporting the activities of the Palestinian Islamic Jihad, an organization with significant support in both Gaza and the West Bank.

The federal case brings 53 charges of terrorism and conspiracy against the four men and five other co-defendants who are not in US custody and are believed to be living in the Middle East. The four men on trial have been held since January 2003. Al-Arian has been held in solitary confinement at the Coleman Federal Correction Complex in Sumter County, about 60 miles northeast of Tampa.

Of these four, only Sami Al-Arian is accused of being a major leader of Islamic Jihad. Charges were brought against the other three, Sameeh Hammoudeh, Ghassan Zayed Ballut, Hatem Naji Fariz, mainly to supply companions for Al-Arian in the dock, and thus substantiate the government's claim that it had uncovered a major terrorist conspiracy.

None of the charges relates to plans to commit terrorist attacks in the United States or against American citizens. Instead, the defendants are charged with providing political and financial support for the operations of the Palestinian Islamic Jihad in Israel, Gaza and the West Bank, including acts of armed resistance to the Israeli occupation as well as terrorist attacks on Israeli civilians.

The case is noteworthy both as a concrete manifestation of the US-Israeli alliance against the Palestinian people and as the first major prosecution made possible by the expanded police powers provided by the USA Patriot Act.

For more than a decade, Sami Al-Arian has been one

of the best-known advocates of the Palestinian people within the United States. He has been a regular target of denunciation by the pro-Zionist media for his outspoken criticism of Israeli state terror against the Palestinians, as well as his public defense of the actions of groups such as Islamic Jihad and Hamas.

In keeping with the politics of these organizations, which combine Islamic fundamentalism and bourgeois nationalism, Al-Arian has actively lobbied both of the two big business parties in the United States, the Republicans as well as the Democrats, for a more favorable policy towards the Palestinian people. His militant speechmaking against Israeli atrocities has been combined with appeals to the US sponsors of those atrocities—including support for George W. Bush in the 2000 presidential election.

The prosecution intends to make heavy use of conversations wiretapped under the provisions of the Foreign Intelligence Surveillance Act (FISA), which established a special federal judicial panel to approve surveillance for reasons of US national security. The Patriot Act permits material gathered in such investigations—collected under rules far looser than those governing wiretaps in ordinary criminal investigations—to be used in criminal prosecutions, where stricter standards of evidence would otherwise apply.

US District Judge James Moody rejected the arguments of defense attorneys that the information derived from FISA wiretaps should not be heard in court. All told, FBI agents covertly monitored some 472,000 telephone calls and faxes sent and received by Sami Al-Arian over the past 12 years. These communications, totaling 20,000 hours, have been culled to extract 295 excerpts that will be presented as evidence in the trial.

The FISA wiretaps of Al-Arian began in 1994, as part of an investigation into possible connections between the World and Islam Studies Enterprise (WISE), which he had established at the University of South Florida, and Palestinian radicals. Early in 1995, the Clinton administration placed Palestinian Islamic Jihad on its list of terrorist organizations, effectively criminalizing support for it.

In October 1995, Ramadan Shallah, a top official in WISE, left the United States and became the head of Islamic Jihad, after the assassination of the group's previous leader, Fathi Shiqaqi, by Israeli secret agents. Shortly thereafter, the FBI raided the WISE office in Tampa, Florida, seizing the group's records and correspondence, among other items.

This was followed by continuous surveillance of Al-Arian and his closest associates, but there were no arrests, and the University of South Florida professor continued to work at his job and conduct public political activity on behalf of Palestinian causes. In 2000, Al-Arian supported Bush for president (apparently out of antipathy to the Democratic vice presidential candidate, Senate Joseph Lieberman, a Jew and a strong supporter of Israel). He met with both candidate Bush and President Bill Clinton during 2000, and later attended a White House briefing with Karl Rove in 2001.

In addition to terrorism and conspiracy charges, the four men are charged with extortion, under a prosecution theory that equates Islamic Jihad with the Mafia, as a "criminal organization whose members and associates engaged in acts of violence including murder, extortion, money laundering, fraud and misuse of visas, and operated worldwide."

The prosecution has embarked on this exercise in stretching legal definitions in order to prejudice the jurors and public opinion as a whole against men who are not accused of actually committing any criminal or violent act. Prosecutor Walter Furr sought to present Al-Arian as a combination of terrorist leader and gangster godfather, describing Islamic Jihad as "an armed, criminal group of violent thugs."

In his opening statement, Furr claimed that the fundraising went both ways. He said Islamic Jihad sent \$1.8 million to WISE between 1990 and 1993, and then received funds back in the subsequent period. He admitted that there were no direct links between any of

the defendants and violent attacks within Israel. "Other people did that," he said. "They ran the organization to make that happen."

William Moffitt, the lawyer for Sami Al-Arian, said that the issue in the trial was freedom of speech. Al-Arian used harsh and militant language in speeches against Israel and its policies toward the Palestinian people, he said, "But a political speaker must be free to excite his audience."

The US judicial system was being used by the state of Israel to suppress Palestinian resistance, Moffitt said. "Most of the evidence will come from Israel," he said. "Israelis are here to silence Dr. Al-Arian." Noting the prosecution's admission in its opening statement, Moffitt reiterated, "There will be no evidence any violent act took place, and no violent act was ever planned to take place in the United States."

The attorneys for the three co-defendants argued that their clients had supported efforts to raise funds for Palestinian charities working in the West Bank and Gaza, and had no connection to terrorist actions. Hammoudeh, 45, is a former graduate student at the University of South Florida and an administrator at the Islamic Academy of Florida, founded by Al-Arian. Ghassan Zayed Ballut, 43, runs a Chicago dry cleaner, while Hatim Naji Fariz, 32, manages a central Florida clinic.

The government was compelled to center the case on conspiracy charges because the bulk of the wiretaps date back to the early 1990s. Before 1995, support for Islamic Jihad was not a crime, and for 1995-2000, the statute of limitations bars prosecution. The conspiracy charge, however, allows the government to introduce evidence from a dozen years ago to substantiate charges of a conspiracy that was allegedly ongoing in 2003, when Al-Arian was arrested.



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