

THE NATION

Terror trial case is false, defense says

Lawyers say an Islamic charity's officials were merely exercising their constitutional right to freedom of expression.

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DALLAS — Former officials of a Texas-based Islamic charity, each charged with supporting terrorists, were guilty of little more than criticizing Israel and its treatment of Palestinians, lawyers for the five men said Tuesday.

"This is political speech," defense lawyer Marlo P. Cadeddu said in closing arguments. "And the First Amendment reaches . . . its zenith when it protects political speech."

Cadeddu, representing a former fundraiser for the Holy Land Foundation for Relief and Development, criticized federal charges brought against them alleging that they provided material support for terrorists through the charity. She and other defense lawyers called it a case built on politics and guilt by association.

In an indictment handed down two years ago, a federal grand jury charged the Holy Land officials with providing \$12 million to Hamas through a network of so-called zakat committees, local charities allegedly controlled by Hamas. The U.S. declared Hamas a terrorist group in 1995. The case caps more than a decade of FBI surveillance and wiretaps of Holy Land officials.

Cadeddu argued that the government turned up no evidence that her client was anything more than a fundraiser, and that prosecutors tried to link him to terrorism by introducing the fact that his half-brother is a top political figure in Hamas.

Prosecutors also showed jurors a 20-year-old videotape of a play featuring her client. In that 1987 performance, the Holy Land official portrayed the killer of a fictional Israeli settler. The dramatization, Cadeddu said, was staged right after the first Palestinian uprising.

She called that political speech and said "the First Amendment . . . means something" in protecting such speech.

Attorney Greg Westfall told the jury that the hardest evidence facing his client was a 1994 wiretapped conversation in which he is overheard describing a suicide bombing as a "beautiful operation."

Westfall acknowledged that the remark was "caustic and corrosive," but said it proved only that his client held strong feelings. He said the secretly recorded comment was made during a tense time shortly after a Jewish settler gunned down nearly 30 Muslims as they prayed at a mosque in Hebron.

Instead of focusing on his client's remarks, Westfall said, the jury should focus on his deeds. His travels throughout the world on behalf of Holy Land, the lawyer said, were proof he was in the charity business.

"He wasn't in the terrorism business. . . . You don't go to all of these far-flung places as a ruse," Westfall said.

Another defense lawyer, Joshua L. Dratel, argued that federal investigators ignored evidence that would exonerate the charity and its officials. Dratel said the government instead pinned its case on an Israeli security official whose testimony was challenged as inaccurate by a former U.S. diplomat, a Middle East scholar and a onetime Texas congressman.

Dratel said the government's theory of the case "didn't make sense." It alleges that five former Holy Land officials secretly funneled millions of dollars to the terrorist activities of Hamas by openly donating to overseas charities that authorities claim were well-known fronts for Hamas.

"It's totally contradictory," Dratel said.

As a group, the defense attorneys argued Tuesday that the financial records, wiretaps and videotapes compiled by the government failed to link Holy Land and Hamas. .

"The government knows it doesn't have a case," Dratel said, arguing that the disputed zakat committees were all licensed by Israel or the Palestinian authorities. He contended that the committees have never been listed among the thousands of organizations identified by the U.S. as fronts for terrorism.

The jury is expected to begin deliberations today.

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