

The Link

Published by Americans for
Middle East Understanding, Inc.

Volume 50, Issue 2

Link Archives: www.ameu.org

April-May 2017



Al-Tamimi et al
v.
Adelson et al
by
Fred Jerome

About This Issue

AMEU Board of Directors

Jane Adas, *President*
 Elizabeth D. Barlow
 Henry Clifford
 Edward Dillon
 Rod Driver
 John Goelet
 Richard Hobson, *Treasurer*
 Anne R. Joyce, *Vice President*
 Brian Mulligan
 Daniel Norton
 Hon. Edward L. Peck
 Donald L. Snook
 Thomas Suarez
 James M. Wall

President-Emeritus

Robert L. Norberg

AMEU National Council

William R. Chandler
 Kathleen Christison
 Paul Findley
 Ann Kerr
 Nancy Lapp
 Mary Norton
 Donald E. Wagner

Executive Director

John F. Mahoney

AMEU (ISSN 0024-4007)
 grants permission to reproduce
 material from *The Link* in part
 or in whole. AMEU must be
 credited and one copy forwarded
 to our office at 475 Riverside
 Drive, Room 245, New York,
 NY 10115. Tel: 212-870-2053;
 email: AMEU@aol.com

The Link has used various venues to tell the story of the Palestinian catastrophe. In “Captive Audiences” by Thomas Suarez it was a musical recital; in “The Grief Counselor of Gaza” by Dr. Eyad Sarraj it was psychiatric care; in “Mirror, Mirror” by Maysoon Zayid it was standup comedy.



Fred Jerome

In our current issue it is a Washington, D.C. courtroom.

In March of last year, a group of Palestinians sued a group of billionaires. Who are these plaintiffs and these defendants? What are the

charges? And what has become of the lawsuit during the past year?

Our feature author, Fred Jerome, addresses those questions. Fred is a veteran journalist whose articles and op-ed pieces have appeared in *Newsweek* and *The New York Times*. He also authored our July-August, 2015 Link

“Kill Bernadotte.” Fred has taught journalism at Columbia University’s School of Journalism and New York University. His most recent book is “Einstein on Israel and Zionism,” may be purchased on our website at www.ameu.org.

In Memoriam

Andrew Killgore spent most of his 97 years involved with the Middle East. He represented our country in Beirut, Jerusalem, Amman, Baghdad, and Tehran. And from 1977-1980, he served as U.S. ambassador to Qatar. Following his retirement from the government, Andy co-founded the American Educational Trust, which publishes *The Washington Report on Middle East Affairs*, whose purpose — then and now — is to provide balanced and accurate information concerning U.S. relations with the Middle East. While saddened by Ambassador Killgore’s death, we celebrate his extraordinary life.

George E. Mendenhall was an American Biblical scholar who taught at the University of Michigan’s Department of Near Eastern Studies. He held a Ph.D. in Semitic languages from John Hopkins University and had a distinguished career in Ancient Near Eastern and Biblical studies. We are also honored to note that, for the past 20 years, Dr. Mendenhall has served as a member of A.M.E.U.’s National Council.

John F. Mahoney
 Executive Director

Al-Tamimi et al v. Adelson et al

by
Fred Jerome

On March 7, 2016, Washington D.C., litigator Martin F. McMahon filed a lawsuit in Federal District Court in Washington, D.C. seeking \$34.5 billion in damages from eight U.S. billionaires.

The plaintiffs were 37 Palestinians (increased to 62, as of this writing) who accuse the billionaires of civil conspiracy, war crimes against humanity, and genocide; aiding and abetting the commission of war crimes; and aggravated and ongoing trespass.

The lead plaintiff, Bassem al-Tamimi, is a human rights activist; the lead defendant, Sheldon Adelson, a Las Vegas casino magnate, a close ally of Israeli Prime Minister Benjamin Netanyahu, and a major supporter of President Donald Trump.

The suit also targets former U.S. diplomat Elliott Abrams, plus 13 non-profit, charitable organizations with headquarters in the U.S. --- some consisting of a small office or just a P.O. Box.

Also listed among the defendants are two banks (Bank Leumi and Bank Hapoalim), and several companies/corporations, such as the world's largest security protection firm G4S, as well as RE/MAX, Hewlett-Packard, Motorola, Veolia, and Volvo.

The Lawsuit

A pdf version of the 200-page complaint can be found on AMEU's website: www.ameu.org. Here are excerpts from pages 12-13:

...due to massive funding provided by U.S. tax-exempt entities and their donors to a number of settlements in the OPT (Occupied Palestinian Territory), defendants herein have been able to carry out a very successful civil conspiracy, the

goals of which were the expulsion of all non-Jews from OPT and the creation of new segregated "Jewish-only" cities and villages. These defendants have:

(a) financed, encouraged, and deliberately collaborated with settlement officials (including security coordinators) in the commission of wholesale violence, knowing that would result in massive ethnic cleansing of the Palestinian population; and

(b) after forcibly expelling at least 400,000 Palestinians from the OPT, built for "Jewish-only" settlers some 56,000 new homes and apartments, 187 shopping centers, and an extensive highway complex linking up all settlements in the OPT.

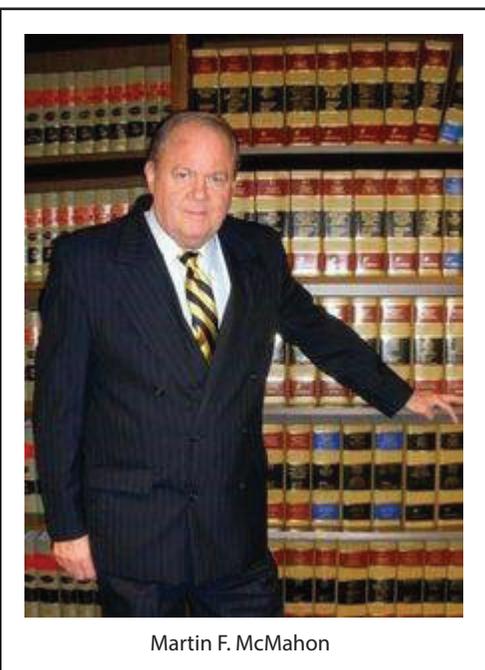
In the process, they and their Israel-based co-conspirators have deprived the plaintiffs and their relatives of fundamental human rights guaranteed under U.N. charter principles, U.S. and Israeli law, Israel's declaration of state establishment ("declaration"), and customary international law.

The Attorneys

Lead attorney for the Palestinian plaintiffs is Martin McMahon who, in 1987, founded the Martin F. McMahon & Associates law firm in Washington, DC. Prior to that, McMahon, a graduate of Fordham Law School, had been a senior litigator with the Securities Investor Protection Corp, a litigation associate with Proskauer Rose, and a clerk at Cravath Swaine & Moore on Wall Street. His significant experience in both civil and criminal litigation is the foundation upon which he developed the Transnational Business Attorneys Group, the international practice

component of his firm.

When, on March 3, 2015, Israel's Prime Minister Benjamin Netanyahu walked into the U.S. Congress and insulted the office of the American president, McMahon decided to represent Palestinians in order to secure justice under the Alien Tort Statute. In an



Martin F. McMahon

email to me dated Feb. 9, 2017, he underscored the fact that “400,000 Palestinians have been forced out of the West Bank and 57,000 Palestinian homes have been demolished or confiscated.”

In that same email, Martin

noted his latest lawsuit, filed on Feb. 1, 2017 in U.S. District Court for the District of Columbia. This is based on the Justice Against Sponsors of Terrorist Act that Congress passed last year to help the victims of 9/11 sue the government of Saudi Arabia. According to McMahon, “Netanyahu has been instrumental in frustrating U.S. foreign policy objectives and has participated in an annual \$2 billion money laundering scheme along with Trump's in-laws (the Kushner family) and the new U.S. ambassador to Israel, Mr. Friedman.” A copy of this lawsuit can be found in Courthouse News “To Fight Netanyahu Taxpayers Invoke New Law for 9/11 Families,” Feb. 1, 2017.

As for the al-Tamimi lawsuit, McMahon told Al Jazeera on March 7, 2016: “Forty percent of Jewish Americans condemn settlements so there

is a complete reversal going on in America against tolerating these actions from the Israeli government, and our lawsuit apparently is a vehicle for those who are completely frustrated by that process.”

Also listed as counsel for the plaintiffs is Sameer Jarrah, esq., founder of the Arab World Center for Democracy, Development, and Human Rights, and the Todd G. Patkin Fellow in Arab Democracy and Development at the Saban Center for Middle East Policy at the Brookings Institute.

The Lead Plaintiff: Bassem al-Tamimi

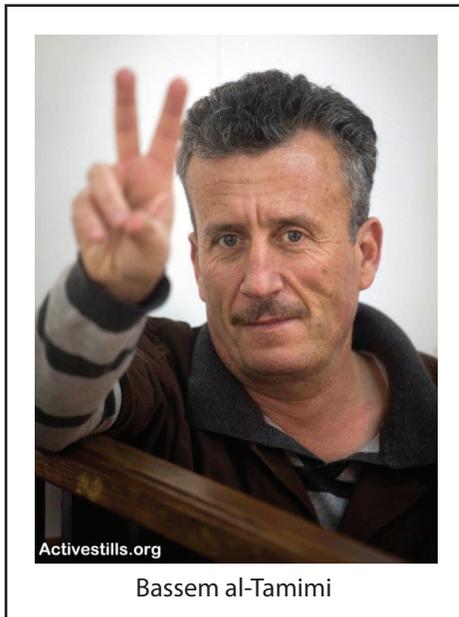
I will let Bassem speak for himself. In an email to me he wrote:

My name is Bassem Tamimi. I was born in 1967 in a small village named Nabi Saleh, 20 km northwest of Ramallah.

In the village, there are 600 people who are part of one family -- Tamimi. We came to Nabi Saleh from Hebron 400 years ago, and settled in two villages Deir Nedam and Nabi Saleh. Most of my family left for Jordan and other countries after the 1967 war. We have had 22 people from the village killed since the 1967 war. The last one was my brother-in-law Rushdi. Some were killed in the West Bank, some in Jordan and some in Lebanon, but all were killed by Israeli Occupation forces. Every year, as I grew up, we had a funeral for a family member.

In 1976, the settlers came and started building settlements in our land, and my family started resistance and struggle to protect their land against this colonization. This was my first time being tear-gassed.

I finished my school in 1985, and tried to study in the university. But I needed to have a job because my father was sick and couldn't



Bassem al-Tamimi

work. I enrolled in Beirut Arab University as a “long-distance student” --- the Israeli civil administration gave me a permit to go to Jordan just one day before the exam. But the second year, they refused to give me any permit at all.

May 1st was the date that I was first arrested for six months of what they call ‘Administrative Detention’ -- with no charges. And the arrests continued -- I was arrested nine more times, mostly for “Administrative Detention.” In 1993, they arrested me for interrogation, and took me to Ramallah Prison, blindfolded with hands and legs cuffed, and my head in a dirty bag. They took me to a small cell -- you can’t sit, just stand in a place full of shit.

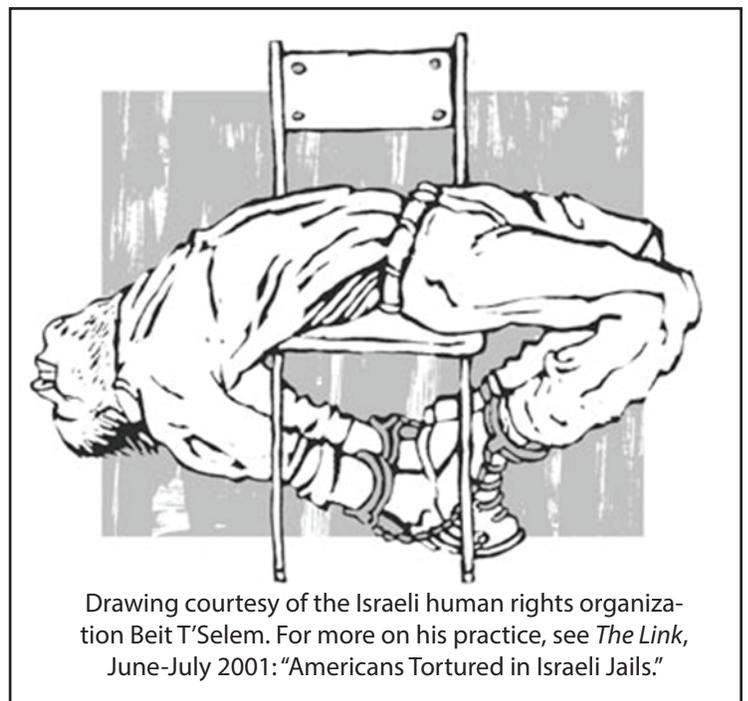
Then, on the 3rd day, they took me in front of six Shabak officers [Shabak is an Israeli security agency whose chief answers directly to the prime minister---Ed.], and they said I was charged with killing a settler. Then the police took me to another office, tied my hands and legs behind me and covered my head. My hands and feet were cuffed to the constraint-chair that is made to lean diagonally forward so it was almost falling.

I was tied with my hands tied behind the small chair’s back, and every few minutes a policeman would come to make sure that I was not sleeping.

On the second morning the intelligence officer came and started the interrogation. A detective began torturing me, shaking me. He grabbed me by my chest and shook my body violently making my head move forward and backward and, tightly grabbing my chin, he would pull and shake my head in all directions. This continued for more than eight hours, and then all I remember is that I lost consciousness.

I was in a coma for eight days. When I woke up, I felt paraplegic, my left side didn’t move. They took me back to the interrogation in this condition. Then they isolated me in Al Ramla prison in a small cell among the Israeli criminal prisoners. Every day, the doctor would check my health and the intelligence officer came and asked me many questions for a long time. After a month, I started feeling better but still very weak.

They released me in this condition and I found



Drawing courtesy of the Israeli human rights organization Beit T’Selem. For more on his practice, see *The Link*, June-July 2001: “Americans Tortured in Israeli Jails.”

myself at the funeral of my sister who was killed by an Israeli female working in the military court when she was there to see her son (my nephew) at his trial. The woman in the court together with another woman (who was a settler) attacked her, beating her and pushing her so she fell on her head, causing a lot of bleeding until she died. She was mother of three boys and two girls.

I was arrested after that 3 times between 2003 - 2004. In the past few years, I've been held twice in administrative detention for organizing civil demonstrations in my village -- for 14 months in 2011-2012, and 4 months in 2013.

My wife has been arrested 5 times and once was shot in her leg and couldn't walk for two years. She lost her brother -- he was killed in front of her. She had been recording a video for Beit T'Selem, the Israeli human-rights NGO. Her brother Rushdi was at home with her. It was Saturday, there weren't any demonstrations and the children were playing behind the house. They heard the sound of shooting. Rushdi went to see what was happening and to bring the children in. When the army continued shooting, my wife heard that someone had been injured, so she took her camera and arrived (under fire) shouting "I'm Press!" When she arrived, Rushdi was surrounded by the IDF and bleeding, but they would not allow him to be taken to the ambulance. Some of this can be seen on the Youtube videos I am sending. [This video is posted on AMEU's website: www.ameu.org---Ed.]

My son Waed was shot when he was 12 years old, and treated in hospital for 5 days and couldn't walk for a month.

He was arrested when he was 14 and tortured. They put him in jail for a week. It was the same jail I was in, but they refused to let me see him. He was arrested another time for 1 month.

My sister was arrested and held for ten days with no charges.

All my sons were injured, and my daughter also shot and beaten by the army.

I have a demolition order for my home which is located in area C with another 12 houses in the village. Part of my house was built in 1964, and I had a permit from the Jordanian government. I have paid more than \$8,000 in fines.

They have raided my home night and day -- hundreds of times. Every time they break and destroy something, and usually take something, like books and a camera. Once they took my computer and laptop.

Thanks and respect, Bassem Tamimi

Other Plaintiffs:

A listing of all plaintiffs, including the Village Councils of five villages in Palestine, is found on page 1 of the lawsuit. Here we note five individuals

Susan Abulhawa

Susan Abulhawa is the award-winning author of the bestselling novels "Morning in Jenin" (2010) and "The Blue Between Sky and Water" (2015); she is also the founder of the non-governmental organization, Playgrounds for Palestine.

Her parents, both born in Jerusalem, were refugees of the 1967 war. Her father was expelled at gunpoint from his home, and her mother, who was in Germany at the time, was not permitted to return. The couple reunited in Kuwait, where Susan was born. Meanwhile, their family land in Jerusalem was seized by Israeli authorities.

In her own words, Susan tells why she joined the lawsuit: "I want a court, somewhere, somehow, to hold accountable those who have financed my pain of dispossession and exile...to hold accountable the

financiers of Israel's wholesale theft of another people's historic, material, spiritual, and emotional presence in the world."

Ahmed Al-Zeer

Ahmed al-Zeer, an attorney, was viciously beaten by settlers while on his own property outside the segregated settlement of Ofra. According to the indictment, he suffered bleeding on the brain, a skull fracture, broken bones, other internal bleeding, and is now confined to a wheelchair.

The lawsuit argues that, had the U.S. Treasury enforced its rules and regulations, the American Friends of Ulpana Ofra and other U.S. tax-exempt entities would not have been able to send funds to the Ofra settlers who, in turn, would not have been provided with sophisticated military hardware, which they used to attack Al-Zeer on his own land.

Hiba Barghouthi

Hiba's brother Abdelrahman was 26-years-old when, on his return from a visit to the United States, he went out to the West Bank village of Aboud, which lies adjacent to the illegal Jewish settlement of Halamish.

According to his uncle, as reported by the Palestinian News and Information Agency (WAFA), Israeli forces stopped his nephew at the village entrance, where they opened fire on him, hitting him in the neck and head with over six bullets, causing his immediate death. Witnesses say a bloody knife was planted in his car to make it appear he had attacked the soldier first.

Doa'a Abu Amar

Doa'a lost 14 family members when the Israeli army bombed the daycare center in Khan Yunis where they had taken shelter during Israel's 2014 invasion of Gaza.

She contends that the Israeli army receives at least \$100 million in annual tax-exempt funds from the Friends of the Israel Defense Forces, and that, had the U.S. Treasury enforced its rules and regulations, the

FIDF would not have been able to send that money to a foreign army, and that foreign army would have had diminished capacity to indiscriminately bomb a densely-populated civilian urban center, and her family members might still be alive today.

Linda Kateeb

Linda Kateeb, an American citizen, owns six plots of land in the West Bank, with the deeds to those plots in her name and possession.

Linda has learned, however, that violent settlers had set up outposts on two of her plots and created forged ownership documents. They then sold these plots to other settlers, who used funds provided by tax-exempt organizations.

Linda is worried that if the U.S. Treasury continues to allow organizations like Christian Friends of Israel and the One Israel Fund, to funnel tax-exempt dollars to these settler organizations, she will lose her remaining four plots of land.

The Lead Defendant: Sheldon Adelson

Sheldon Adelson, number 15 on Forbes 400 list, with an estimated net worth of \$26 billion, made his money through his Las Vegas casinos. He is founder, chairman and C.E.O. of Las Vegas Sands, and owner of



Sheldon Adelson

Israel Hayom, Israel's largest circulation newspaper, which is distributed free of charge.

One of the biggest donors in the world to Israel, he has given \$5.2 million to Friends of the Israeli Defense Forces (FIDF). In 2010, he proudly noted that both his wife and daughter had served in the IDF, and that he expected his young son would grow up to be a sniper in the Israeli army; as for himself, his only wish was that the uniform he once wore in the U.S. military had been the uniform of the Israel Defense Forces. A close ally of Israeli Prime Minister Benjamin Netanyahu, Adelson has advocated strongly for Israel's conservative Likud party.

He is a major financial backer of the Republican Party and President Trump.

Other Defendants:

Haim Saban

A media mogul both in Israel and the U.S., Saban, at number 171 on the Forbes 400, with a net worth of \$3.5 billion, is one of Israel's most active supporters. Last year, he co-chaired a Hollywood gala that raised \$33 million for the IDF.

Saban also supports the American-Israel Public Affairs Committee (AIPAC) through its Saban National Political Leadership Training Seminar, which provides intensive pro-Israel training to college student activists.

Daniel Gilbert

Owner of the Cleveland Cavaliers and founder of Quicken Loans, Gilbert, with a net worth of \$3.8 billion, is a big financial supporter of Friends of the Israel Defense Forces. In 2006, FIDF gave him an award in recognition of his support.

Norman Braman

A billionaire auto dealer, with a net worth of \$1.6 billion, Braman donated \$311,000 to American

Friends of Ariel, a U.S.-based nonprofit that supports Israeli settlements in the West Bank. Those settlements are illegal under international law and a contradiction of longstanding U.S. policy.

Not hesitating to declare his extreme views on U.S.-Israel relations, Braman asserted in a 2011 interview that United Nations agencies have "developed into organizations that have one basic purpose, and that is to discredit Israel and actually delegitimize Israel."

Norman Braman died in 2014.

Irving Moskowitz

Irving Moskowitz was involved in funding nearly every significant building project in the eastern sectors of Jerusalem, beginning when he bought Yeshivat Bratslav Shuvu Banim nearly 40 years ago in the Old City's Muslim Quarter.

In 1996, Moskowitz's project to open the Western Wall's tunnels to tourists was met by Arab rioting following claims by Islamic groups that the true goal of the initiative was to take over the Temple Mount.

Irving Moskowitz died in 2016.

John Hagee

Widely known in Southern states as a Texas-based televangelist, Hagee is also international chairman of Christians United for Israel. He receives (admittedly) more than \$1.2 million in salary and benefits. He is often on the air and in the news, at times giving sermons, at times making political speeches. He advocates a "pre-emptive war against Iran." In 2015, his ministries distributed more than \$3.2 million to "Israeli charities."

Lev Leviev

Known as "King of Diamonds," Leviev, with a net worth of \$1.1 billion, has been a major philanthropist for Hasidic Jewish causes in Eastern Europe and Israel.

Beginning in the 1990s, Leviev avoided being directly

involved with the Yeltsin family, and nurtured ties with Vladimir Putin.

His diamond mining investments in Angola and his investments in Israeli settlements have been the target of protests.

His construction companies have also been heavily involved in building settlements in the Occupied West Bank.

Lawrence Ellison

Ellison is the C.E.O. and founder of Oracle Corporation. With a net worth of \$54.2 billion, he is the world's wealthiest Jew, and the fifth wealthiest person alive.

He and his wife have donated millions to various causes in Israel, including a \$ 9 million lump sum donation to the IDF through Friends of the IDF (FIDF).

Elliott Abrams

One non-billionaire who is nonetheless an important defendant and co-conspirator is Elliott Abrams who has played a key role in helping the billionaires hook up with non-profits to send guns, sniper-scopes and bulletproof vests to the Israel Defense Forces.

In 1991, Abrams was convicted of two felony counts of perjury for lying to Congress about the Iran-Contra scandal. Those convictions --- he admitted his guilt --- have not prevented him from continuing as an unofficial lobbyist for Israel and an operative within several administrations.

When the Palestinians' lawsuit named Abrams as a co-conspirator, the Obama administration provided him with a free lawyer (See Mondoweiss, "Obama Justice Department is Representing Elliott Abrams Against Suit by Palestinians Opposing Settlements", Aug. 8, 2016).

Non-Profits

Among the non-profit groups with headquarter addresses in the U.S., those accused in the lawsuit include: American Friends of Har Homa; Christian Friends of Israeli Communities; Friends of the Israel Defense Forces; the Hebron Fund; and American Friends of Bet El Yeshiva.

Several articles have appeared describing in detail the pro-settlement activities funded by these non-profit groups. One from The Guardian of December 8, 2009, entitled "The U.S. Cash Behind Extremist Settlers: The Hebron Fund is Raising Huge Sums for Israeli Settlements," reads, in part:

Settlers and the Israeli army routinely attack and terrorize Palestinians in Hebron, according to human rights groups such as B'Tselem in Israel.

In 1994, Hebron settler Baruch Goldstein massacred 29 unarmed Palestinians who were praying in a Hebron mosque. One of the honorees at the 2009 Hebron Fund dinner, Noam Arnon, called Goldstein "an extraordinary person."

The Hebron Fund's extremist positions are clear... Executive director Yossi Baumol told The American Prospect that "Israel must not give Arabs a say in how the country is run" and "You'll never get the truth out of an Arab."

The Hebron Fund's chief rabbi, Dov Lior, recently praised the 2009 book "Torat Hamelech" that says it is permitted for a Jew to kill civilians who provide moral support to an enemy...and to even kill young children, if it is foreseeable that they will grow up to become enemies.

Corporations

Several corporations are named, including Hewlett-Packard, Motorola, and G4S, the world's largest security company, as well as the Israeli banks, Bank

Leumi and Bank Hapoalim. All are accused of conspiring to:

- a. obtain more Palestinian land to be used for Jewish-only settlements;
- b. defraud U.S. taxpayers by funneling hundreds of millions of dollars through tax-exempt organizations to settlements in the Occupied West Bank in violation of international law; and
- c. drive all Palestinians off their land and out of the country which would then remain not only a Jewish State but a Jewish-only State.

Criminality, The Profit Motive, Material Intent, Money Laundering

Criminality

The billionaires work their war crimes by supporting illegal settlements, and at the same time making a few million in extra profits – all at the expense of U.S. taxpayers ---and the greater expense of the Palestinians.

First, one or another of the billionaires decides to send several million or tens of millions of dollars to Israel, usually to support his favorite settlement in the occupied West Bank. The money is “donated” to a non-profit group, such as those mentioned above, thus entitling the billionaire donor to a tax exemption. The non-profit group immediately, within days or even hours, sends the money to the designated Israeli receiver, perhaps a settlement or the IDF. According to the lawsuit:

...the laundered funds have been knowingly sent overseas by U.S. tax-exempt entities, and have enabled armed settlers, with help from Defendant

G4S personnel and Israeli army reservists, to threaten and intimidate the local Palestinian population on a daily basis. They have “convinced” at least 400,000 to abandon their homes and their 400-year-old olive trees. The annual funding is extraordinary, e.g. \$1 billion every year, with \$104 million going to the Israeli army in 2014. The U.S. donors knew and intended that the increased financial assistance would promote wholesale violence [against] the local Palestinian population and therefore accelerate settlement expansion. They knew that motivated, armed settlers who coveted their Palestinian neighbors’ property would be able, with their substantial financial assistance, sufficiently to terrorize the local Palestinian population (poisoning water wells, slaughtering livestock, live target practice), and “convince” them to abandon their homes and olive groves.

... Besides funding rampant criminal activity in the OPT including ethnic cleansing which the entities characterize on their 990 forms as “charitable” or “educational” in nature, they have (a) financed and promoted religiously, and racially, discriminatory practices, i.e., funding “Jewish-only” highways, shopping malls, housing projects, and schools; (b) violated numerous other 501(c) (3) tax-exemption regulations, e.g. funding of theft and destruction of private property, which the host country, Israel, deems to be illegal, and (c) as already noted, violated at least eight federal criminal statutes, including the federal perjury statute... They committed perjury because when they were applying initially for tax-exempt status, entity officials never informed the IRS that they would be using contributions from donors to establish a settler militia unit or funding the purchase of military hardware, including sniper scopes, guard dogs, bullet-proof vests, and night-vision goggles. Tax-exempt entity officials, and their accountants, could face substantial jail time,

because each violation of the federal perjury statute alone carries a five-year prison sentence and a substantial fine.

The Profit Motive

In addition to the estimated \$1 billion pro-Zionist Americans get to take off on their taxes for donations to pro-Israel charities that channel money to build and maintain illegal Jewish settlements, there is this monetary incentive, as charged on pages 187-188 of the lawsuit:

All Defendants named in Count IV have continued to exploit private Palestinian property by extracting valuable mineral resources and sending them to Israel-based suppliers. These suppliers have made enormous profits as a result of stealing Palestinian natural resources. For example, Heidelberg grossed \$5-6 million in 2014 and paid \$585,000 in royalties to the Regional Council for Judea and Samaria. Palestinians, including the Plaintiffs named herein, who own property on which are now located quarries and cement factories, and which Defendants in Count IV are pillaging, lose at least \$241 million per year according to the World Bank.

The lawsuit singles out the large profits made by **RE/MAX**, the real estate firm. It has encouraged the ongoing demolition of Palestinian homes by armed settler militia members with G4S/IDF assistance, knowing that this criminal activity means more settlement expansion and more housing stock for its agents to sell to Jewish-only buyers. To date, RE/MAX agents have sold over 56,000 new homes and apartments in the OPT.

Veolia Environment, a French firm, has contracted with various settlements over the past 30 years to provide essential infrastructure transport and waste removal services to the OPT.

Volvo Group, a Swedish company, provides heavy

machinery for the demolition of Palestinian homes in the West Bank and East Jerusalem, and the construction of Jewish-only settlements. Volvo also provides transport services to the Israel Prison Service, including buses that transferred prisoners such as Bassem al-Tamimi.

Hewlett-Packard, a U.S. company, has a \$6 billion investment in the OPT. It provides essential computer technology, including sophisticated surveillance devices that enable settlers to maintain control over the surrounding Palestinian population --- a big selling point for RE/MAX agents.

Motorola, another U.S. firm, established Motorola Israel as its first wholly owned subsidiary outside the U.S. in 1964. It provides the settlers with essential protection services. These include radar detection systems for tracking human movement outside the settlements, and expensive thermal imaging systems for targeting Palestinians. It has signed a \$100 million deal with Israel for encrypted smartphones for its soldiers and security personnel. It also provides up-to-date biotechnology and metal detection gates at Israeli checkpoints.

Material Intent - The Holy Land Five Connection

The Holy Land Foundation (HLF) was once the largest Islamic charity in the United States, with the U.S. government itself using it to distribute funds to Palestinians in the OPT. Then, in 2001, the U.S. government designated it a terrorist organization, and in 2004, a federal grand jury charged the Holy Land Foundation and five of its officers with providing material support to Hamas, likewise deemed a terrorist organization by the United States.

The first trial, in 2007, ended in the partial acquittal of one defendant and a hung jury on all other charges. The retrial, in 2008, found all five defendants

guilty on all charges under the material intent laws, and they were subsequently handed sentences of between 15 and 65 years for “funneling \$12 million to Hamas.” Lawyers have appealed the verdict, thus far unsuccessfully, on several counts, including the fact that the prosecution’s star witness was an anonymous Israeli intelligence officer who was allowed to testify under a pseudonym, and granted immunity from cross-examination.

On May 27, 2016, the Martin McMahon law firm filed case 145-cv-021- 86-RDM in the district court of Columbia, in which it cites the material intent charge in the Holy Land Five verdict as legal precedent. In that suit (*Boim v. Holy Land Foundation for Relief and Support*) the court held that “if the actor knows that the consequences are certain, or substantially certain, to result from his act, and still goes ahead, he is treated by the law as if he had in fact desired to produce the result.”

McMahon’s lawsuit claims that the defendants named in *Tamimi v. Adelson* had reason to know of or actually knew of the war crimes, crimes against humanity, genocide, and other atrocities that were being committed on a daily basis by violent settlers and the Israeli army. The fact that they designated that their contributions go to an “educational activity of the Israeli army” [sniper schools] or to a “charitable” activity [scholarships for retired veterans] does not diminish their having knowingly financed, supported, and encouraged war crimes, including the IDF’s criminal acts of assisting armed settlers with home demolitions, after physical attacks by the settlers on Palestinian homeowners and farmers, and in some cases murdering them.

Money Laundering

Related to the material intent law is the money laundering law [18 U.S.C. 1956 () (2)], which states “whoever transports, transmits, or transfers, or

attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity; knowing that the monetary instrument or funds involved represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or to avoid a transaction reporting requirement under State or Federal law, shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds provided, whichever is greater, or imprisonment for not more than 20 years, or both.”

Tamimi v. Adelson argues [page 94] that all the defendants are guilty of transferring funds by mail or wire across international borders to various settlements, knowing full well that those funds would be used by settlement leaders to arm the local settlement population as it pursued, with the Israeli army and G4S security assistance, the wanton property destruction and ethnic cleansing of the Palestinian people. The “charitable” organization Friends of Israel Defense Forces (FIDF) sends funds directly to the Israeli army, thus exposing FIDF officials to possible jail time, and the organization itself subject to a fine of \$500,000 for each transaction which resulted in funds being transferred overseas.

Tamimi v. Adelson singles out, among others, Irving Moskowitz, whose tax-exempt foundation’s beneficiaries, according to a Los Angeles Times report of May 9, 1996, were “pass-through” organizations designed to fund the expansion of settlements in the OPT and the purchase of property in East Jerusalem, including, as noted earlier, the destruction of the Dome of the Rock and Al-Aqsa Mosque.

To this end, Moskowitz funded the “pass-through”

entity American Friends of Bet El Yeshiva (AFBEY) with \$785,000 in laundered funds going to the creation of a Jewish-only enclave in East Jerusalem. Today, the settlers of that enclave are trying to remove the last remaining Palestinian family in the enclave by shutting off its electrical power sources and forcibly removing its air conditioning unit in order to make it appear that the family no longer lives there, thus making it subject to the racist Israeli Absentee Property Law.

Among other institutions that benefit from AFBEY's funding is a yeshiva headed by the militant rabbi Zalman Melamed, who has urged Israeli soldiers to disobey orders to evacuate settlements and who has argued that homosexual tendencies arise from eating certain foods.

AFBEY's donor base also includes the family foundation of the parents of Jared Kushner, President Trump's son-in-law. And a Trump Foundation tax form from 2003 shows that Trump himself donated \$10,000 to AFBEY in honor of his friend and AFBEY's president David Friedman.

Soon after being sworn in as president, Trump named Friedman America's next ambassador to Israel. Friedman noted that if the U.S. embassy isn't moved to Jerusalem, he could still conduct business in East Jerusalem, as he owns a house there.

Wall of Silence

Perhaps as important as the lawsuit itself is the question: Why have so few people heard about it? Why have The New York Times and other mainstream media in this country surrounded the story with a wall of silence?

When I explain to friends that these billionaires and some corporations have been working an illegal scheme with non-profit groups so they get tax deductions for the millions they give to Israel, the

most frequent response is: "Wow! I read the Times every day -- I'm surprised I didn't know anything about that."

There is almost always an unintentional undertone of disbelief in those comments. Something like, well,

If it is *really* true, it couldn't be very important or it would have been in the Times. Indeed, the Times still modestly calls itself "the paper of record."

With that in mind, on December 15th, 2016, I sent the following email to the Public Editor, N.Y. Times:

On March 7 of this year [2016], Attorney Martin McMahon filed a suit in Federal District Court in Washington, D.C. against Sheldon Adelson and seven other billionaires who [as well as supporting Trump] have been sending millions of dollars to support Israel and specifically Israel's policy of building more settlements in the West Bank. The plaintiffs in the suit are some 40 Palestinians in the U.S. and in Israel who have lost homes and/or family members during the struggles in the occupied territory during the past decade.

As far as I can tell, this story was not covered by the Times in March, nor has any word about it appeared since then.

If this is the case, can you explain why?

Thank you in advance for your consideration.

Sincerely, Fred Jerome

The Times' only response, arriving within hours, was an emailed form letter from Public Editor Liz Spayd, the same as I received in response to at least three other queries to The Times. It read: "My assistant and I read every letter we receive," but we get so much mail we are often "not able to respond personally." It concluded: "If a further reply is warranted you will be hearing from us."

So the question remains: Why have the mainstream

media maintained a news blackout on this story of the Palestinian lawsuit? For the sake of brevity, let us focus on The N.Y. Times -- which so often sets the agenda for the rest of the industry.

It's hard to imagine why The Times could not come up with a report on the Palestinian lawsuit that was "fit to print." Certainly the story has news relevance, with the Obama Administration's abstention from the U.N. Security Council's vote criticizing Israeli settlements, and the Trump Administration's shifting position on the issue.

Perhaps it is simply a sign of hard times (no pun intended) in the media business where cutbacks and mergers have closed a number of news outlets, while others have switched to online operations. The Times' reduced staff quite possibly is unable to cover the vast scope of happenings. If that is the case, readers can expect more missing pieces ahead: As this is being written (early 2017) the Times was expected to announce a new round of staff cuts (read layoffs) due to a continuing reduction in (print edition) circulation and -- especially -- in advertising.

Or perhaps The Times' failure to cover the "Billionaires Suit" story is a result of a pro-Israel bias on the part of the paper's publisher or top editors. My book, "Einstein on Israel and Zionism," details how The Times created an alternate-Einstein, one who "championed" the establishment of the State of Israel, when, in fact, for more than 30 years Einstein publicly spoke out against setting up a Jewish state. Possibly, in order to avoid a public confrontation with Einstein, The Times waited until the great scientist's death before printing their new version of his position -- in his obituary! (See "Making a Myth", pp. 225-232 of my book "Einstein on Israel and Zionism")

To be sure, when media moguls have a bias, they rarely if ever circulate memos telling their staffs what to write or not to write. But anyone who has ever worked for a newspaper will tell you it doesn't

take long for staff members to learn the publisher's biases -- which stories will be liked and which will be spiked. In the 'old days', when stories were typed and submitted on paper, a large metal spike often sat on the news editor's desk, and whenever editors decided not to run a piece, they simply "spiked" the copy.

Despite the mainstream media's blackout, however, news of the lawsuit has been breaking through the wall of silence. This is partly due to the commitment and persistence of attorney McMahan, and partly to continuing coverage by a number of alternate media outlets.

Fortunately, The Times, Washington Post, CNN, etc. may be among the biggest media outlets in the country, but they are no longer the only media game in town. Here are just a few of the headlines on the Palestinians' lawsuit that some of the media outlets in this "alter-network" have run during the past year:

"How U.S. Charities Break Tax Laws To Fund Israeli Settlements" --- The Electronic Intifada

"Why Are U.S. Taxpayers Subsidizing Right-Wing Israeli Settlers?--- Mother Jones

"The Struggle For Indigenous Rights Extends to Palestine" --- ThinkProgress.org

"Friends of Israel Defense Fund Raises \$27 Million Under N.Y. Media's Nose" --- Counterpunch

"New York Charity Abets Israeli Settler Violence" --- Salon.com

"Lawsuit seeks federal investigation into U.S. groups funding settlements"" --- Mondoweiss

And what about the reaction to the lawsuit in Israel? Certainly, the Zionist regime there cannot be happy about a lawsuit that challenges hundreds of millions of dollars a year coming its way.

Most Israeli officials seem to have taken a head-in-the-sand response: If we don't see it, it will go away.

But when the lawsuit was first filed in March 2016, at least one Israeli “legal expert,” Nitsana Darshan-Leitner, founder of the Israeli Law Center Shurat HaDin, called the lawsuit “frivolous,” with “no chance of surviving,” and she predicted it would be “quickly dismissed.”

In fact, Federal Judge Tania Chutkan, in the Washington, D.C. District Court, originally “stayed” the lawsuit, essentially putting it “on hold” while she considered it (and/or discussed it with other Federal officials). By the end of 2016, however, McMahon reported that Judge Chutkan “just entered an order saying the case will start up again, and pending motions will be decided.”

So much for the suit being “quickly dismissed.”

Indeed, the anti-billionaire lawsuit by McMahon and the Palestinians he represents ironically may be coming at a propitious moment for U.S. foreign policy. A number of recent media pieces, including an important analysis in the January 2017 issue of Foreign Policy magazine, have underscored the feeling by U.S. officials that to maintain their ties with Jordan and other “oil allies” in the Middle East, Israeli expansion needs to be limited, at least for the time being --- Hardly an anti-Israel position, though some Zionists will no doubt see it that way.

A Continuing Struggle

The story of the Palestinian plaintiffs listed in Tamimi v. Adelson --- indeed the story of so many Palestinians today --- is a story of resistance to Israeli occupation and struggle against colonialism Their story is described in Ben Ehrenreich’s moving book “The Way to the Spring: Life and Death in Palestine,” and even more vividly in four ten-minute videos the Tamimi family has put on YouTube; these are the YouTube links:

Nabi Saleh 28-8-2015

2011-12-9 Mustafa Tamimi

Rushdi Tamimi Nabi Saleh

Nabi Saleh 24-8-2012

Bassem Tamimi would surely say that the “billionaire lawsuit” is one good step, but only one. Indeed, it is certain that all of the Palestinian plaintiffs in the suit would say more is needed.

Including litigator McMahon. Here’s how he puts it: “It’s always the right time to do the right thing. Palestinians have been living under a brutal occupation for 50 years, and this is one small step in trying to improve their situation. Their property has been stolen, 400,000 Palestinians have been removed from the OPT, and 49,000 Palestinian homes have been destroyed or confiscated, and today most of those remaining are living in open air prisons. The corporate defendants named in the lawsuit have made millions of dollars off their occupation.”

And what are the chances of the lawsuit succeeding? “Chink, chink, chink,” McMahon told one interviewer. Slowly but surely, in various ways, Israel’s war crimes, funded by our dollars, are being exposed to the light of day. ■

Please see our website
www.ameu.org
for a listing of Books, DVDs
and Palestinian Olive Oil

Non-Profit
U.S. Postage
PAID
Permit #155
Deep River, CT

Americans for Middle East Understanding, Inc.
Room 245, 475 Riverside Drive
New York, NY 10115-0245

To Support *The Link*

A \$40 voluntary annual subscription is requested to defray cost of publishing and distributing *The Link* and AMEU's Public Affairs Series.

Your Contribution to AMEU is Tax Deductible

A check or money order for \$_____ is enclosed, payable to AMEU.

Name _____

Address _____

Zip+4 _____

Please send a gift subscription* of ***The Link*** in my name to:

Name _____ Address _____ City _____ ST _____ Zip _____

Name _____ Address _____ City _____ ST _____ Zip _____

Name _____ Address _____ City _____ ST _____ Zip _____

Mail with \$20 for each gift subscription to:
AMEU, 475 Riverside Drive, Room 245
New York, New York 10115-0245

Donor Contact Information

Name _____

Address _____

City _____ State _____ Zip _____

Email or Phone _____