

# The Post-9/11 Homeland: America Declares War on Islam

## Holy Land Foundation Case Goes to Supreme Court

By [Stephen Lendman](#)

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Region: [USA](#)  
Theme: [Religion](#)

*Post-9/11, America declared war on Islam. Injustice triumphed. So did hate and fear. Innocent Muslims became fair game. Guilt by accusation became policy.*

*Many innocent men and women were charged with terrorism or conspiracy to commit it. They languish unjustly in gulag hell.*

They became Washington's enemy of choice. All Muslims have reason to fear being in America at the wrong time.

Ignored is that Islam teaches love, not hate; peace, not violence; charity, not selfishness; and tolerance, not terrorism. Islam, Christianity and Judaism have common roots.

In today's hate-filled climate, you'd never know it. Praying to the wrong God became criminalized.

Numerous injustice examples explain US ruthlessness. Among many egregious cases, the Holy Land Foundation (HLF) charity is notable.

Several earlier articles discussed it. It remains a monument of injustice. Charitable giving to the wrong recipients became criminalized. Feeding the wrong hungry children was called lawless. More on that below.

On October 11, [Press TV](#) headlined "Muslim charity case goes to Supreme Court," saying:

Bush administration officials considered HLF its "flagship terror-financing case...." On December 4, 2001, HLF was bogusly declared a Foreign Terrorist Organization (FTO). Its assets were frozen.

Five HLF principles were wrongfully charged, convicted and imprisoned. In late October, the Supreme Court will decide whether to hear their appeal. It won't be easy convincing hardline justices to do the right thing.

Hope springs eternal. Maybe even right-wing ideologues won't tolerate injustice this egregious. Fundamental constitutional principles are at stake. So is right v. wrong.

On January 25, 1995, Bill Clinton issued Executive Order 12947: Prohibiting Transactions With Terrorists Who Threaten To Disrupt the Middle East Peace Process.

The same year Hamas was bogusly declared a Foreign Terrorist Organization (FTO). It

remains one today. Any individual or group charged with providing material support (true or false) becomes targeted for prosecution.

Founded in 1989, HLF was America's largest Muslim charity. It served needy people in many countries. They included Palestine, Lebanon, Jordan, Bosnia, Albania, Chechnya, Turkey, and America.

Its major activities included:

- financial aid to needy and impoverished families;
- a sponsorship program for orphaned children;
- various social services;
- educational ones;
- medical and other emergency work; and
- community development that included helping Palestinians rebuild homes Israel lawlessly destroyed.

On July 27, 2004, five HLF principles were bogusly accused of providing material support to Hamas. Multiple charges included prohibited financial transactions, money laundering, conspiracy, and filing false tax returns.

Charges were false, outrageous and unconscionable. HLF had no connection to terrorism. Its activities were entirely legal. Islam's third pillar mandates charity. Aiding those in need is considered a moral obligation.

Compassion became criminalized. Humanitarian giving to "unworthy" recipients risks long prison terms in gulag hell.

At the time, HLF asked, "Is it a crime to feed" hungry children? HLF did far more glorious work. In its own words, it said, "We gave:

- books, not bombs;
- bread, not bullets;
- smiles, not scars;
- toys, not tanks;
- peace, not terror;
- liberty, not poverty;
- hope, not despair;

- love, not hate; (and)
- life, not death.

So we ask: If (militarized occupation) shatters lives, while charity builds them and charity feeds children, while occupation kills them, why is a charity organization – not occupation – paying the price?”

After 15 years and two trials, five HLF principles were wrongfully convicted of all charges on November 24, 2008. It became one of many US days of infamy. Sentences ranged from 15 – 65 years.

Prosecutors used hundreds of documents; bank and wiretap records; suspect, bogus and secret evidence; hidden witnesses; juror intimidation; and other ruthless tactics to convict. Justice never had a chance.

Prosecutors called November 24 “a great day” in America. Attorney Greg Westfall compared it to denying Dred Scott his day in court, rounding up Japanese civilians during WW II, Red Scare witch hunt trials, murdering the Rosenbergs, and other egregious instances of US injustice.

He added that HLF was a faith-based organization of the “wrong faith.”

Family members, friends, and numerous supporters were outraged. One observer put it this way:

“Grateful to live in a country where bankers who rape our entire economy receive 100s of billion of dollars in thanks while humanitarians who feed starving children are sent to jail.”

The [ACLU](#) said:

“The government’s actions....violated the fundamental rights of American Muslim Charities and has chilled American Muslims’ charitable giving in accordance with their faith, seriously undermining American values of due process and commitment to First Amendment freedoms.”

British MP George Galloway called the verdict “one of the most monstrous injustices in modern times in America.”

HLF President and CEO Shukri Abu-Baker and Chairman Ghassan Elashi got 65 years imprisonment. Volunteer Mufid Abdulqader received 20 years. New Jersey office director Abdulrahman Odeh and California office director Mohammad El-Mezain got 15 years.

Innocence was no defense. Charitable compassion became criminalized. Guilt by accusation assured gulag hell confinement.

On December 7, 2011, the US Court of Appeals for the Fifth Circuit upheld the lower court convictions. It ruled that:

“despite raising a myriad of issues, including numerous claims of erroneous evidentiary rulings, the defendants do not challenge the sufficiency of the evidence to support their

convictions.”

In other words, defendants argued that secret and alleged evidence was inadmissible. Without it, jurors wouldn't have voted to convict. Sentences should be reversed. Fifth Circuit judges disagreed.

On February 17, 2012, they denied HLF's rehearing request. On May 21, attorneys petitioned the Supreme Court for justice. Key is disallowing secret witness testimonies and hearsay evidence.

The Sixth Amendment states:

“In all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him....”

In *Smith v. Illinois* (1968), the High Court ruled on the secret witness issue, saying:

“(W)hen the credibility of a witness is in issue, the very starting point in exposing falsehood and bringing out the truth through cross-examination must necessarily be to ask the witness who he is and where he lives.”

“To forbid this most rudimentary inquiry at the threshold is effectively to emasculate the right of cross-examination itself.”

In late October, the Supreme Court will decide whether or not to hear HLF's appeal. Innocent lives hang in the balance.

## **A Final Comment**

In March 2012, Ghassan Elashi's daughter [Noor](#) said, “My father will not be forgotten.”

“Exactly three days following the tenth anniversary of the Bush administration shutting down the largest Muslim charity in the United States, the Fifth Circuit Court dismissed the appeal for the Holy Land Foundation case, affirming the conviction of my father, the co-founder of the HLF who's serving a 65-year sentence for his humanitarian work.”

“Upon hearing this news, it initially all rushed back to me at once, nostalgia on overdrive. I saw the relentless accusations by pro-Israeli lobby groups, the pressure by pro-Israeli politicians and the defamatory news reports in the 1990's.”

“I saw the raid on the HLF in 2001, the pre-sunrise arrests and ‘material support’ charges in 2004, the first trial and hung jury in 2007, the second trial and guilty verdicts in 2008, the sentencing in 2009.”

“I saw the plethora of prison phone calls and visitations. And finally, I saw my father being transferred in 2010 to the Southern Illinois city of Marion's Communications Management Unit (CMU)...Gitmo in the Heartland.’ ”

“Meanwhile, my father waits in prison. (HLF) is still alive. (He) will not be forgotten. My father is my pillar, whose high spirits transcend all barbed-wire-topped fences, whose time in prison did not stifle his passion for human rights.”

“In fact, when I asked him about the first thing he'll do when he's released, (he) said, ‘I will

walk all the way (home) carrying a sign that says, 'End the Israeli Occupation of Palestine.' ”

At stake is whether the Supreme Court will give him a chance. Most important is whether it'll reverse one of America's worst injustices. Five innocent men deserve praise, not prison. It's high time they got it.

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His new book is titled "How Wall Street Fleeces America: Privatized Banking, Government Collusion and Class War"

<http://www.claritypress.com/Lendman.html>

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