



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 15, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Re: United States v. Holy Land Foundation for Relief and Development, et al., 3:04-CR-0240-G.

Dear Attorney General Holder:

I write to inquire about your decision not to prosecute the 246 individuals and organizations, named as unindicted co-conspirators in a Hamas terror finance case, United States v. Holy Land Foundation.

I have been reliably informed that the decision not to seek indictments of the Council on American Islamic Relations ("CAIR") and its co-founder Omar Ahmad, the Islamic Society of North America ("ISNA"), and the North American Islamic Trust ("NAIT"), was usurped by high-ranking officials at Department of Justice headquarters over the vehement and stated objections of special agents and supervisors of the Federal Bureau of Investigation, as well as the prosecutors at the U.S. Attorney's Office in Dallas, who had investigated and successfully prosecuted the Holy Land Foundation case. Their opposition to this decision raises serious doubt that the decision not to prosecute was a valid exercise of prosecutorial discretion.

I request that you provide answers to the following questions:

- What are the reasons for the Department's decisions not to prosecute CAIR, ISNA, NAIT and Mr. Ahmad, who is a CAIR co-founder and former head of the Palestine Committee of the Muslim Brotherhood in the United States?
- Who made the final decision not to prosecute? Who, if anyone, from the Executive Office of the President, consulted with, advised, or otherwise communicated with the Department of Justice, in electronic, oral or written form, regarding the Department's decision to not seek indictments of CAIR, ISNA, NAIT and Mr. Ahmad?

- How does and will the Department and the Federal Bureau of Investigation address the potential for CAIR, ISNA, or NAIT to engage in terrorism financing? What policies with regard to those organizations have you implemented to address that threat?

The answers to these questions should provide some explanation for declining a prosecution that is strongly supported by the record from the Holy Land Foundation trial. As you are aware, in a previously sealed Memorandum Opinion Order of July 1, 2009, United States District Judge Jorge A. Solis declined CAIR, ISNA and NAIT's August 14, 2007 and June 18, 2008 requests to strike their names from the United States Attorney's list of unindicted co-conspirators in the Holy Land Foundation case. Judge Solis found that the "Government has produced ample evidence to establish the associations of CAIR, ISNA and NAIT with [the Holy Land Foundation, "HLF"], the Islamic Association for Palestine ("IAP"), and with Hamas." The Court found that the evidence was "sufficient to show the association of these entities with HLF, IAP, and Hamas. Thus, maintaining the names of the entities on the List is appropriate in light of the evidence proffered by the Government" (citation omitted). At minimum, FBI testimony established that Mr. Ahmad attended a meeting in Philadelphia, Pennsylvania in which participants discussed how they could support Hamas, including by raising funds for this terrorist group. NAIT was similarly unsuccessful in its subsequent request to the United States Court of Appeals for the Fifth Circuit to have its name removed from the list of co-conspirators.

Hamas has been designated as a terrorist organization by the Department of State since October 9, 1997, and its status was reconfirmed by the most recent annual report of the National Counterterrorism Center, issued April 30, 2010. Hamas shamefully conducts cowardly suicide bombings against civilian targets inside Israel. Hamas also, between 2008 and 2009, conducted 2,614 indiscriminate rocket and mortar attacks upon residential areas in that country, an ally of the United States. According to the State Department, Hamas finances its terrorist activities "through state sponsors of terrorism Iran and Syria, and fundraising networks in the Arabian Peninsula, Europe, the Middle East, [and] **the United States**" (emphasis added). It raises the most serious question for the Justice Department to decline to even *attempt* to prosecute individuals and organizations, accused by a US Attorney and found by a federal judge, to have a nexus with fundraising for an organization which conducts terror attacks upon civilians.

I believe that in order to maintain the credibility of the Department, there should be full transparency into the Department's decision. Please respond to this letter by April 25, 2011. If you have any questions regarding this letter, please contact Kevin Carroll at (202)226-8417.

Sincerely,



PETER T. KING
Chairman

cc: The Honorable Robert S. Mueller III