

Mahfouz has sued or threatened to sue at least 36 times against individuals in England who have linked bin Mahfouz to terrorist financing and activities.

"Alms for Jihad" reaches back into history, particularly into Sudan where much of the activities of fundamentalist Islamist groups found their origins, and traces them to the modern-day struggle against extremist forces around the world. We cannot understand the current war on terror, which extends far beyond the terrible events of September 11, without examining the chronology and details of this issue.

I have enclosed the author's response to the lawsuit, and encourage our colleagues to obtain and read this important book.

SAUDI BILLIONAIRE VS. CAMBRIDGE  
UNIVERSITY PRESS: NO CONTEST

On 3 April 2007 Kevin Taylor, Intellectual Property Manager for the Cambridge University Press (CUP), contacted Millard Burr and myself that the solicitors for Shaykh Khalid bin Mahfouz, Kendall Freeman, had informed CUP of eleven "allegations of defamation" in our book *Alms for Jihad: Charities and Terrorism in the Islamic World* and requested a response. On 20 April CUP received our seventeen page "robust defence", but it soon became apparent that CUP had decided not to defend *Alms for Jihad* given "knowledge of claims from previous litigation" and that "the top-line allegations of defamation made against us by bin Mahfouz are sustainable and cannot be successfully defended . . . certainly not in the English courts, which is where the current action arises." Of the eleven points of alleged defamation "we [CUP] could defend ourselves against some of his individual allegations . . . which, as you say could hardly be deemed defamatory on its own," but on pp. 51-52 where you use the phrase "The twenty supporters of Al Qaeda" followed by the Golden Chain references . . . is defamatory of him under English law." The Golden Chain was a list of twenty wealthy Saudi donors to al-Qa'ida which included the name "Mahfouz" on a computer disk seized during a raid by the Bosnian police and U.S. security agents of the Sarajevo office of the Saudi charity, the Benevolent International Foundation (Bosanska Idealna Futura, BIF).

On 9 May 2007 CUP agreed to virtually all of the Shaykh's demands to stop sale of the book, destroy all "existing copies," prepare a letter of apology, and make a "payment to charity" for damages and contribute to legal costs. After further negotiations the press also agreed, on 20 June 2007, to request 280 libraries around the world to withdraw the book or insert an erratum slip. During these three months of negotiations Millard and I had naively assumed that, as authors, we were automatically a party to any settlement but were now informed we "are out of jurisdiction" so that CUP had to ask "whether of not they [the authors] wish to join in any settlement with your client [Mahfouz]." On 30 July 2007 Mr. Justice Eady in the London High Court accepted the abject surrender of CUP which promptly pulped 2,340 existing copies of *Alms for Jihad*, sent letters to the relevant libraries to do the same or insert an errata sheet, issued a public apology, and paid costs and damages.

The crux of this sordid and sorry saga lies firmly in the existing English libel law which is very narrow and restrictive compared to its counterpart in the United States with a long history and precedent of "good faith" protected by the First Amendment, absent in English jurisprudence. In effect, CUP was not prepared to embark on a long and very expensive litigation it could not

possibly win under English libel law in the English High Court, known to journalists the "Club Med for Libel Tourists." Laurence Harris of Kendall Freeman was quite candid. "Our client [Shaykh] Mahfouz chose to complain to Cambridge University Press about the book because the book was published in this jurisdiction by them" where he had previously threatened to "sue some 36 U.S. and U.K. publishers and authors" and in which Shaykh Mahfouz had previously won three suits for the same charges of his alleged financing of terrorism. Even Justice Eady's pious pronouncements about "the importance of freedom of speech" were of little relevance before the weight, or lack thereof, in English libel law he rigorously enforced.

This was the first time that Shaykh Mahfouz had brought suit only against the publisher that did not include the authors, for "our client [Shaykh Mahfouz] took the view that they [CUP] were likely to deal with his complaint sensibly and quickly, which they did," rather than include the authors who would not. As American authors residing in the U.S., we were "out of jurisdiction" and under the protection of the U.S. Courts, specifically the unanimous ruling by the Second U.S. Circuit Court of Appeals in June 2007 that Dr. Rachel Ehrenfeld could challenge in a U.S. Court the suit previously won against her by Shaykh Mahfouz in Justice Eady's High Court in London thereby establishing a defining precedent in U.S. jurisprudence. Dr. Ehrenfeld is the director of the American Center for Democracy in New York whose book, "Funding Evil: how terrorism is financed—and how to stop it," published by Bonus Books of Chicago in 2003, describes how Shaykh Mahfouz helped finance al-Qa'ida, Hamas, and other terrorist organizations in greater detail than "Alms for Jihad." Although her book was not sold in Britain, Shaykh Mahfouz secured British jurisdiction by demonstrating that "Funding Evil" could be purchased or read on the internet by British citizens. When she refused to defend the case in the London High Court, Justice Eady declared for the plaintiff and ordered Dr. Ehrenfeld to pay \$225,000 damages. She then chose to confront the Shaykh and seek redress in the U.S. Court system.

Millard Burr and I had adamantly refused to be a party to the humiliating capitulation by CUP and were not about to renounce what we had written. "Alms for Jihad" had been meticulously researched, our interpretations judicious, our conclusions made in good faith on the available evidence. It is a very detailed analysis of the global reach of Islamic, mostly Saudi, charities to support the spread of fundamental Islam and the Islamist state by any means necessary. When writing "Alms for Jihad" we identified specific persons, methods, money, how it was laundered, and for what purpose substantiated by over 1,000 references. I had previously warned the editor at CUP, Marigold Acland, that some of this material could prove contentious, and in March 2005 legal advisers for CUP spent a month vetting the book before going into production and finally its publication in March 2006. We were careful when writing "Alms for Jihad" not to state explicitly that Shaykh Mahfouz was funding terrorism but the overwhelming real and circumstantial evidence presented implicitly could lead the reader to no other conclusion. Court records in the case of U.S. vs. Enaam Arnaout, Director of the Benevolent International Foundation and close associate of Osama bin Laden, accepted as evidence the "Golden Chain" which the British High Court later refused as evidentiary. The Mawafaq (Blessed Relief) Foundation of Shaykh Mahfouz and its principal donor was declared by the U.S. Treasury "an al-Qaida front that

receives funding from wealthy Saudi businessmen" one of whom was the designated terrorist, Yassin al-Qadi who "transferred millions of dollars to Osama bin Laden through charities and trusts like the Muwafaq Foundation." It appears very strange that the founder of his personal charity and its major donor had no idea where or whom or for what purpose his generosity was being used.

Although the reaction to the settlement by CUP has been regarded by some, like Professor Deborah Lipstadt at Emory University, as a "frightening development" whereby the Saudis "systematically, case by case, book by book" are shutting down public discourse on terrorism and intimidating publishers from accepting manuscripts critical of the Saudis, there still remains the free exchange of ideas, opinions, and written text in the world of the internet protected by the First Amendment. Ironically, the eleven points of the Mahfouz suit against CUP amount to little more than a large footnote, a trivial fraction of the wealth of information in "Alms for Jihad" that cannot be found elsewhere. The Shaykh can burn the books in Britain, but he cannot prevent the recovery of the copyright by the authors nor their search for a U.S. publisher to reprint a new edition of "Alms for Jihad" for those who have been seeking a copy in the global market place.

#### PERSONAL EXPLANATION

#### HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on four bills brought up under Suspension of the Rules on Monday, September 24, 2007 because of an illness.

Had I been present, I would have voted "yea" on H. Con. Res. 193, a resolution recognizing all hunters across the United States for their continued commitment to safety; "yea" on H. Res. 668, a resolution recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine; "yea" on H.R. 1199, the Drug Endangered Children Act of 2007; and "yea" on H. Res. 340, a resolution expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

#### CONGRATULATING FRENCH LICK, INDIANA ON ITS SESQUICENTEN- NIAL

#### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HILL. Madam Speaker, 2007 marks the 150th anniversary of the town of French Lick, Indiana. Many of my colleagues in Congress may recognize the town's name as the birthplace of one of basketball's finest, Larry Bird. But, those of us who have had the pleasure of spending time in French Lick know it for much more. I am looking forward to celebrating French Lick's Sesquicentennial with its residents this coming weekend when the festivities commence on Friday, September 28,