



For Immediate Release

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**COURT OF APPEALS URGED TO UPHOLD  
LIABILITY AGAINST HAMAS SUPPORT GROUP  
UNDER ANTI-TERRORISM ACT**  
*(Boim v. Holy Land Foundation)*

The Washington Legal Foundation filed a brief in the U.S. Court of Appeals for the Seventh Circuit last week urging the Court to affirm a trial court verdict awarding damages to the parents of 17-year-old David Boim, a U.S. citizen who was gunned down waiting at a bus stop in Israel by two members of the terrorist wing of Hamas. The suit was brought against the U.S.-based Holy Land Foundation (HLF) and several other defendants under the Anti-Terrorism Act (ATA) for providing financial and other support to Hamas.

A three-judge panel of the Court of Appeals initially overturned the district court judgment in late December 2007, but vacated that ruling and ordered the case to be reheard by the full court *en banc*. In its brief, filed on behalf of itself, the Jewish Institute of National Security Affairs (JINSA), and the Allied Educational Foundation, WLF urged the Court to reject the arguments by HLF that they intended to support only Hamas's humanitarian efforts rather than its violent purposes. As WLF argued, and other courts have recognized, money is fungible; hence, a dollar donated to Hamas ostensibly for humanitarian purposes allows Hamas to divert a dollar to buy bullets or explosives. Therefore, under the law and as a matter of practicality, it is impossible to support only the humanitarian programs of Hamas without also supporting or aiding and abetting its violent component.

"When Congress enacted the Anti-Terrorism Act allowing victims to file suit against those who are responsible for terrorist attacks, the law was designed to punish and deter not just the gunmen or suicide bomber, but those like the Holy Land Foundation who lend support to terrorist groups," said Paul Kamenar, WLF's Senior Executive Counsel.

WLF's brief was drafted with the *pro bono* support of Steven Perles and Edward MacAllister of the Perles Law Firm in Washington, D.C. The Court will hear oral argument in the case in October.

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For further information, contact Paul Kamenar, WLF's Senior Executive Counsel, at 202-588-0302. A copy of WLF's brief is available on its website at [www.wlf.org](http://www.wlf.org).