

## **Additional Responses from Kach, Kahane Chai, Kahane.org**

Additional responses from Petitioners Kach, Kahane Chai, and Kahane.org to the "Redacted Version" of the 2003 Administrative Record

### **OVERVIEW**

On February 23 and 24, 2004 Petitioners submitted responses to the Redacted Version of the 2003 Administrative Record ("Responses from Kach, Kahane Chai, Kahane.org"). The submission of February 24 ("Final Version") corrected typographical errors inadvertently submitted in the February 23, 2004 Responses.

On May 26, 2004 Council for Petitioners received a certified letter from Ambassador Cofer Black of the United States Department of State. In this letter the State Department on their own initiative decided to grant Petitioners thirty additional days to provide further materials. The following are further materials from Petitioners.

### **CONTENTS/EXHIBITS**

1. Exposition that as of April 27, 2002, Kahane.net was neither affiliated with nor sympathetic to Petitioners.
  - A. Home Page of Kahane.net accessed on May 18, 2004.
  - B. Domain registration information for Kahane.net accessed on May 18, 2004 for ownership of domain name as of April 27 2002.
  - C. Domain registration information from June 6, 2004 detailing that Kahane.net could no longer be accessed.
2. Kahane.org is a website protected as medium of free speech.
  - A. Article from WashingtonPost.com, June 11, 2004, page A03, "Saudi Acquitted of Internet Terror... Victory for Free Speech".
3. State Department discriminated against Kahane.org by only designating Jewish websites.
  - A. Article from WashingtonPost.com, June 19, 2004, page A01, "Islamic Radicals Behead American in Saudi Arabia".
  - B. Article from a Terrorism Update of the Anti-Defamation League, December 2003, "The Internet as Terrorist Tool"
  - C. Websites affiliated with the National Council of Resistance of Iran: [www.mojahedin.org](http://www.mojahedin.org): [www.iran-e-azad.org](http://www.iran-e-azad.org).

4. Summary of Responses from Kach, Kahane Chai, and Kahane.org.

I certify that the Exhibits are true and accurate to the best of my knowledge.

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Kenneth Klein  
Attorney at Law

**Kenneth Klein**  
**Attorney at Law**  
**For Petitioners Kach, Kahane Chai, and Kahane.org**

**1. Exposition that as of April 27,2002, Kahane.net was neither affiliated with nor sympathetic to Petitioners.**

On October 2 and 10,2003, the United States Department of State designated Kahane.net as an alias of Kahane Chai. Yet, from the records below it is clear that from April 27, 2002, Kahane.net was neither affiliated with nor sympathetic to any of the Petitioners.

**Exhibit 1A** shows the Home Page of Kahane.net as of May 18,2004. The contents alone show that Kahane.net is not affiliated with any of the Petitioners and is antagonistic towards the Petitioners: "Well, I hate to disappoint you, but the terrorists forgot to pay the renewal fee for Kahane.net quite a while ago. This is the same thing that happened to Taliban.com. It seems terrorists are not very good at remembering to pay their bills."

The web page closes with the following statement: "It is long past time for adults to stop behaving like children when it comes to their superstitions. If your god is too weak and too small that it needs you to fight and to kill, then you need another god. If you need help, try some of the links below."

The links provided are the following: "An Interview With God". "A more recent clarification from God".

The website closes with: "Peace", "Shalom", "Salaam" in Hebrew, Arabic, and English.

**Exhibit 1B** is the domain registration record accessed on May 18, 2004. This record shows that as of April, 27, 2002, the website was not owned by anyone affiliated with any of the Petitioners. From April 27,2002, the website was registered to Dann, Dorfman, Herrell, and Skillman, 1601 Market Street, Suite 2400, Philadelphia, PA, 19103. Both the administrative contact and billing contact is listed as John Berryhill of Dann, Dorfman, Herrell, and Skillman.

**Exhibit 1C** shows that on June 6,2004 the website could no longer be accessed.

**Conclusion:** As of April 27,2002 Kahane.net was not owned by anyone affiliated with or sympathetic to any of the Petitioners. Yet in October 2003, the State Department designated Kahane.net as an FTO, an alias of Kahane Chai. Had the State Department checked with John Berryhill prior to the designation, it would have learned that Kahane.net was not an alias of or affiliated with any of the Petitioners. In fact it would have learned that Kahane.net was opposed to the principles of the Petitioners.

But the fact that the State Department designated a website not affiliated with any of the Petitioners, was more than merely lax investigation. It is more than just another indication that the Administrative Record is not credible and cannot support the

designations. This inclusion destroys the premise of its case against each of the Petitioners:

The State Department alleges that Kahane.net, Kahane.org, Kach and about thirty-three other organizations are all aliases of Kahane Chai. Thus any of the organizations besides Kahane Chai must each be an alias of Kahane Chai. As well, each organization must be an alias of any of the other organizations. If one organization is not an alias of Kahane Chai or any of the other organizations, then there is no equality among the organizations.

The domain records and website itself show that Kahane.net is not affiliated with Kahane Chai and therefore cannot be Kahane Chai. In fact, neither Kach, nor Kahane Chai nor Kahane.org is the same organization.

# Exhibit 1A



You are probably here because you recently read a story about how the U.S State Department added "kahane.net" to a list of terrorist organizations.

Well, I hate to disappoint you, but the terrorists had forgotten to pay the renewal fee for kahane.net quite a while ago.

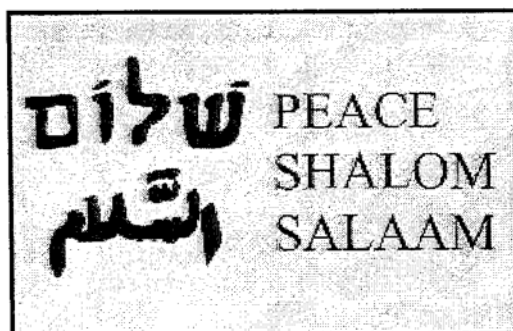
This is the same thing that happened to taliban.com.

It seems terrorists are not very good at remembering to pay their bills.

It is long past time for adults to stop behaving like children when it comes to their superstitions. If your god is too weak and too small that it needs you to fight and to kill, then you need another god. If you need help, try some of the links below.

[An interview With God](#)

[A more recent clarification from.God](#)



# Exhibit 1B

## NetworkSolutions

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## WHOIS SEARCH RESULTS

**kahane.net**      **Back -order this name**

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Domain Name: KAHANE.NET

Registrant:

Dann, Dorfman, Herrell, and Skillman  
1601 Market St.  
Suite 2400  
Philadelphia  
PA  
US  
19103

Administrative Contact:

Berryhill, John (NICC-6305) jberryhill@ddhs.com  
Dann, Dorfman, Herrell, and Skillman  
1601 Market St.  
Suite 2400  
Philadelphia  
PA, US  
19103  
Phone: 2155634100 Fax: 2155634044

Billing Contact:

Berryhill, John (NIC-.63Q5) jberryhill@ddhs.com  
Dann, Dorfman, Herrell, and Skillman  
1601 Market St.  
Suite 2400  
Philadelphia  
PA, US  
19103  
Phone: 2155634100 Fax: 2155634044

Technical Contact:

Berryhill, John (NIC-6305) jberryhill@ddhs.com

Dann, Dorfman, Herrell, and Skillman  
1601 Market St.  
Suite 2400  
Philadelphia  
PA, US  
19103  
Phone: 2155634100 Fax: 2155634044

Domain servers in listed order:

NS3.MONIKER.COM 64.49.213.233  
NS4.MONIKER.COM 64.49.213.241

Record created on 2002-04-27 14:22:00.0  
Database last updated on 2003-10-12 20:16:35.67  
Domain Expires on 2004-04-27 14:22:00.0

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# Exhibit 1C

Sorry, we could not find [www.kahane.net](http://www.kahane.net)

Please check the spelling, or try one of the items below.

Search the Web:

**Try Searching the Internet on These Relevant Key Words**

Travel	Entertainment	Shopping
Computers	Hardware	Software
Electron Lcs	Appliances	Gift.B.asket
Concert Tickets	Sports Tickets	Movies
Health & Fitness	Home & Garden	Hobbies
Dating	Horoscope	News
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## WHOIS SEARCH RESULTS

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No Match

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**2. Kahane.org is a website protected as medium of free speech.**

In designating website Kahane.org an FTO, via alias designation, the State Department presents the question whether a website can be deemed a terrorist organization for espousing certain political views. Petitioner Kahane.org contends that a website is protected as a portal of free speech. In support of its position. Petitioner presents the recent case of Sami Omar Hussayen from an article from WashingtonPost.com, June 11, 2004, page A03, "Saudi Acquitted of Internet Terror... Victory for Free Speech" (see Exhibit 2A).

The government indicted Hussayen for the federal crime of providing material support to a terrorist organization, as well as other crimes (Id., page 1). Allegedly Hussayen operated a website seeking to raise money and recruit fighters for the Islamic Resistance Movement or Hamas (Hamas is a designated FTO) (Id.). Even Hussayen's attorney acknowledged that Hussayen was not a pacifist and believed that Muslims "should take up arms against those who oppress them." (Id., page 2). Posted on the website were fatwas from Saudi sheikhs extolling suicide attacks (Id.).

But the Idaho jury acquitted Hussayen of the charges of providing material support (Id., pagel). Based on instructions from the judge, the jury concluded that the information posted on the website was protected free speech. The jury found that "you can print material that advocates illegal action" and as long as it doesn't cause imminent action it is protected speech (Id., page 2).

In designating Petitioner Kahane.org, a State Department document maintained that Petitioner was "vehemently anti-Muslim and anti-Arab". The State Department further stated that in December 2001 Kahane.org polled people online about whether Israel should not only kill Arafat, but his "henchmen" as well. To raise funds, the State Department stated the Kahane.org sought donations and sold various merchandise, such as videotapes and T-shirts.

In the "Responses from Kach, Kahane Chai, Kahane.org (Final Version)", Petitioner Kahane.org, through counsel, refuted that it was anti-Muslim or anti-Arab. In fact Petitioner directed attention to its stated principles that non-Jews were free to live in Israel "... with full social, economic and civil rights...." as long as they did not try to change the character of Israel.

As to the internet poll about whether Israel should kill Arafat, Petitioner could not answer if it had conducted such a poll. Nonetheless Petitioner and counsel responded that if it had done so it certainly was protected free speech.

But Petitioner contends that the principles the jury found in acquitting Sami Omar Hussayen must be applied to revoking its designation as an FTO. Even political views espousing illegality are protected as long as they do not cause imminent action. Though Petitioner does not espouse illegal action, it advocates certain political views which must be protected as free speech.

Conclusion: Kahane.org is a website espousing certain political views protected by the principles of free speech. As such it cannot be a Foreign Terrorist Organization. As its designation must be revoked, then the designations of Kach, Kahane Chai and the approximately thirty-three other organizations must also be revoked as the State Department contends they are all aliases of one another.

# Exhibit 2A

**washingtonpost.com**

## **Saudi Acquitted of Internet Terror**

Defense Hails Verdict on Islamic Sites as Victory for Free Speech

By Susan Schmidt  
Washington Post Staff Writer  
Friday, June 11, 2004; Page A03

An Idaho jury yesterday rejected the federal government's case against a Saudi doctoral student accused of aiding terrorists by running an Internet network that sought to raise money and recruit fighters for holy war abroad.

The jury acquitted Sami Omar Hussayen on three counts of providing material support to terrorism, a blow to the government in its first effort to use language in the USA Patriot Act that makes it illegal to provide "expert advice" to terrorists. Hussayen's attorneys argued that his creation and administration of Islamic Web sites represented constitutionally protected free speech.

"I hope the message is that the First Amendment is important and meaningful in this country," defense attorney David Nevin told reporters after the verdict.

U.S. Attorney Thomas E. Moss said in an interview that his office is disappointed but determined to pursue terrorism cases aggressively.

"For terrorists to flourish, they have got to have more than people who will strap on bombs. They need to recruit, and what better way to recruit than through the use of the Internet?" Moss said. "This verdict is not going to deter us."

A jury of four men and eight women deliberated for a week on the three material support charges and 11 counts of false statements and visa fraud. The jury acquitted Hussayen on three of the lesser charges and deadlocked on eight others.

Moss said his office will decide over the next week whether to retry Hussayen on the undecided visa counts. Hussayen has been in jail for more than a year and will remain there pending deportation proceedings. He did not testify at the trial.

The investigation of Hussayen, a doctoral candidate in computer science at the University of Idaho, has been one of the most potentially far-reaching terrorism cases since the attacks of Sept. 11, 2001. Hussayen, 34, was accused of conspiracy and providing support to terrorists in Chechnya and Israel, and of conspiracy to raise funds for the military wing of the Islamic Resistance Movement, also known as Hamas.

The government charged in its indictment that Hussayen "knew and intended that the material support he provided [was] to be used in preparation for, and to commit, violations of federal law involving murder, maiming, kidnapping, and the destruction of property."

Juror John Steger, 68, a retired forest service engineer, said in a telephone interview that the jury was guided by instructions on the First Amendment from U.S. District Judge Edward J. Lodge. The jury, he said, concluded that "you can print material that advocates illegal action [and] if by printing it doesn't cause people to take imminent action, you are protected."

Prosecutors sought to argue that the case turned not on whether Hussayen knew or intended for people to act on the jihadist materials he disseminated, but on whether he knew and intended that his Web site work would aid terrorists or terrorist organizations in general.

David Cole, a professor of constitutional law at Georgetown Law School who has argued against broader government powers, said the verdict is a lesson that the government should "tread lightly."

"The defense said the assistance was wholly in the form of speech," said Cole, and the expert advice Hussayen provided "was all in the service of speech."

Paul Rosenzweig, a constitutional lawyer at the Heritage Foundation who has squared off in debates with Cole over the material support law, said the verdict "may show that we are trying to figure out whether criminal laws fit with the new paradigm of terrorist activity."

"Fighting or paying those groups are fairly clear and easy examples that we understand. This is new and different," he said. "Computer support or other unusual forms of support that are not traditionally conceived of as criminal activity — it's not like he provided guns."

Hussayen comes from an influential family in Saudi Arabia and was represented by a high-profile legal team paid for by the Saudi government. Although the Saudi Embassy paid the bills and even urged that prosecutors drop the case, diplomats said they did not countenance Hussayen or the Web site organization, the Islamic Assembly of North America. Embassy officials said the Islamic assembly is influenced by the Muslim Brotherhood, a sometimes radical movement opposed to rule of the Saudi royal family.

Nevin acknowledged that his client is no pacifist, and that he believes Muslims should take up arms against those who oppress them. But he said that towfatwas Hussayen posted from Saudi sheikhs extolling suicide martyrdom attacks did not represent his views and were protected by the First Amendment.

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**3. State Department discriminated against Kahane.org by only designating Jewish websites.**

Petitioners contend that in designating website Kahane.org (and three other websites deemed aliases of Kahane Chai) the State Department engaged in religious discrimination. Below Petitioners provide evidence in support of their position.

For the first time since the inception of terrorist organization designations in 1995, the State Department designated websites as FTOs. The websites appearing on the October 2003 Foreign Terrorist Organization list were Kahane.org and three other websites all designated as aliases of Kahane Chai. All sites were or are of Jewish character or purpose (section 1 above details that as of April 27, 2002, unbeknownst to the State Department, Kahane.net's domain was obtained by a group antagonistic to Petitioners).

No other website was designated as an FTO. This is important because besides Petitioners and their alleged aliases, there are approximately twenty-five organizations and one hundred fifty-five aliases appearing on the 2003 designation list. Many of the other organizations are Islamic or have an Islamic purpose. Other organizations on the list represent, for example, Kurds, Basque, and Columbians. Some of these organizations have websites. Yet none of their websites were listed. Not even the websites of some of the most notorious organizations were designated as FTOs. Below are examples.

Exhibit 3A: A group calling itself "al Qaeda" decapitated Paul M. Johnson Jr. and posted photos of his severed head on its website (article from WashingtonPost.com, June 19,2004, page A01, "Islamic Radicals Behead American In Saudi Arabia"). Despite the horrific actions of al Qaeda, despite the awful use for which it used its website, despite al Qaeda's designation as an FTO, its website has never been designated as an FTO.

Exhibit 3B: In December 2003, the Anti-Defamation League published a report examining terrorism on the internet ("Terrorism Update. Focus: Terrorism on the Internet"). The report stated that the following groups, among others, had active websites in the U.S. and Canada: " Hamas, Hezbollah, Al Qaeda ... Palestine Islamic Jihad..." (Id., page 2). All of these groups are listed on the FTO list. All of these groups commit horrendous terror, such as suicide and car bombings. Yet the State Department has never designated even one of their websites as an FTO.

Exhibit 3C: At least two websites affiliated with the National Council of Resistance of Iran exist: [www.mojahedin.org](http://www.mojahedin.org); and [www.iran-e-azad.org](http://www.iran-e-azad.org) (see Exhibit 3C, home pages for the websites, accessed June 23,2004). The National Council of Resistance of Iran is on the FTO list, but not their websites.

Conclusion: Despite the fact that some of the most violent organizations on the FTO list have websites; despite the horrific use for which some of these organizations have used their websites; none of the websites of these horrific organizations have had their websites designated as FTOs. Only Jewish websites are designated as FTOs. The State Department has committed religious discrimination by singling out Jewish websites.

## Exhibit 3A

[washingtonpost.com](http://www.washingtonpost.com)

# Islamic Radicals Behead American In Saudi Arabia

## Kidnap Victim's Body Is Found Near Capital

By Craig Whitlock  
Washington Post Foreign Service  
Saturday, June 19, 2004; Page A01

BERLIN, June 18 — Islamic radicals in Saudi Arabia on Friday beheaded an American contractor whom they kidnapped six days earlier, and in a defiant statement on the Internet pledged more attacks on Americans. Hours later, Saudi security forces reported they had shot dead the leader of the group that asserted responsibility for the abduction.

The decapitated corpse of Paul M. Johnson Jr., an employee of Bethesda-based Lockheed Martin Corp., was found on the outskirts of the Saudi capital, Riyadh, on Friday, after the group calling itself al Qaeda in the Arabian Peninsula announced his death and posted photos of his remains on a Web site.

Johnson was the third American in less than two weeks to meet a violent death in Riyadh. His kidnapping, the first of a Westerner in Saudi Arabia, and the manner of his killing marked a new kind of assault on the American presence in the oil-producing kingdom. "The infidel got his fair treatment," the group said in a statement.

Radicals say that vengeance for the occupation of Iraq is part of the reason for the campaign, which has led many Americans to leave the country and made those who remain fearful of streets they once found safe. The ultimate goals, the groups say, are to drive foreigners out of the kingdom and overthrow the House of Saud royal family.

Saudi officials reported Friday that one of three men killed in a shootout with security forces about an hour after the announcement of Johnson's death appeared to be Abdulaziz Muqrin, leader of the al Qaeda group. The Saudi government has said that Muqrin's death or capture would be key to suppressing the group; DNA testing was planned.

President Bush denounced the killers as "barbaric people" trying to intimidate Americans. "The murder of Paul shows the evil nature of the enemy we face," Bush said in Fort Lewis, Wash. "They're trying to shake our will. They're trying to get us to retreat from the world.... America will not be intimidated by these kinds of extremist thugs."

Johnson was reported missing by his family last Saturday, the same day that another American contractor who worked out of Johnson's office, Kenneth Scroggs, was killed by gunmen as he drove into his garage in Riyadh.

Last weekend, the group announced it was holding Johnson and said he would be treated as Muslim detainees were treated in Iraq's Abu Ghraib prison, scene of abuse by U.S. jailers, and Guantanamo Bay.

On Tuesday, Muqrin's group released a short video showing a blindfolded Johnson. A masked man, identified in a caption as Muqrin, threatened to execute him within 72 hours unless Saudi officials released an unspecified number of fellow jihadists from prison. The Saudi government refused and launched an effort to find and rescue Johnson.

According to Saudi spokesmen, the operation drew on 15,000 security personnel, including fire departments familiar with streets and neighborhoods. More than 1,200 homes had been searched by Thursday night.

In addition, the U.S. government dispatched 20 FBI agents to Saudi Arabia to assist in the search. The presence of American agents on Saudi soil was a sensitive subject for Saudi government officials, who played down the U.S. role and bristled at the suggestion that they were unable to control the insurgency.

Prince Nayef, the Saudi interior minister, said in an interview with the French newspaper *Le Figaro* that the Saudi government did not need outside assistance. He noted that the United States has had difficulty finding terrorist suspects elsewhere, singling out Abu Musab Zarqawi, a radical who has eluded capture in Iraq despite a \$25 million reward offer. Zarqawi has claimed responsibility for beheading another American, Nicholas Berg, in a kidnapping in Iraq this year.

In the days leading up to the deadline, Johnson's relatives and friends made emotional appeals on television for his release, telling the kidnapers that he was a friend of Muslims and deeply interested in their culture.

"Please release my father," Johnson's son, Paul Johnson III, told *al-Arabiya* television a few hours before the station reported the execution. "He is an innocent man. He loves Muslims. Saudi Arabia was his home." Johnson's wife, Thanom, made a similar plea in television interviews.

On Friday, the kidnapers posted a statement on an Islamic Web site announcing his death and included three photos of his remains.

Johnson worked on Apache attack helicopter systems for the Saudi government. His kidnapers said he was singled out for that reason. "Let him taste something of what Muslims have long tasted from Apache helicopter fire and missiles," they said in a statement posted on the site. "The infidel got his fair treatment."

"To the Americans and whoever is their ally in the infidel and criminal world and their allies in the war against Islam, this action is punishment to them and a lesson for them to know that whoever steps foot in our country, this decisive action will be his fate," the statement said.

James C. Oberwetter, the U.S. ambassador to Saudi Arabia, confirmed Johnson's death. "The inhumanity of the crime exceeds all boundaries of civilized peoples," he said in a statement.

On Thursday, the U.S. Embassy in Riyadh issued a fresh warning to Americans in Saudi Arabia, saying that there was "credible information indicating that extremists are planning further attacks against U.S. and Western interests." The warning added that Americans living in private residences — as opposed to the guarded compounds that house many expatriates — were being "specifically targeted."

On April 15, the State Department urged all Americans to leave the kingdom and has ordered the evacuation of all non-essential embassy personnel. For the past two months, all Americans remaining in Saudi Arabia have been asked to register their presence with the embassy.

American workers, most of them with the oil industry, and dependents used to number close to 35,000. Embassy officials said on Friday they did not know how many had left.

Lockheed began evacuating employees' family members from the country in April after the State Department issued its warning. Lockheed, the Pentagon's largest contractor, declined to say how many of its workers remained in Saudi Arabia or to discuss what security precautions it was taking.

"Paul bravely carried out his duties, and the news of his sudden loss is a shock to everyone in the Lockheed Martin family," the firm's two top executives. Chairman and CEO Vance Coffman and President Robert J. Stevens, said in a memo to employees. "We grieve along with his family."

Lockheed employees have sent 700 e-mails and letters to Johnson's family during the last week expressing remorse and condolences, according to company spokesman Tom Jurkowsky. "It's a different mood around here. It's numbing," Jurkowsky said.

Saudi Arabia is the birthplace of al Qaeda founder Osama bin Laden and the leading financial backer of conservative Islamic causes around the world. From the late 1970s until 2001, an estimated 15,000 Saudis trained at camps in Afghanistan and helped fuel religious warfare across the Middle East and northern Africa.

While many militant leaders, including bin Laden, have labeled the Saudi royal family corrupt for years and called for its ouster, until last year the kingdom was largely spared attacks from within. Violence picked up last May, when local groups allied with al Qaeda mounted a car bomb attack on a Western residential compound in Riyadh, killing 35 and sparking a limited but open revolt against the government.

Saudi security officials said they have arrested more than 300 militants since then and broken up the biggest terror cells, but have not been able to contain the violence. The attacks helped drive oil prices to historic highs and raised speculation that the House of Saud's hold on power might be slipping.

Muqrin's group is believed to have been behind a hostage-taking attack on a Western residential compound in Khobar last month that left 22 dead, as well as a suicide bombing in Riyadh last November that killed 17 and wounded more than 120.

Since then, the radicals have changed their tactics and have opted to target individual, unprotected Westerners rather than attempting to inflict mass casualties.

Mustafa Alani, a Middle East security analyst at the Royal United Services Institute in London, said the group wanted to avoid harming Muslims for fear of creating a backlash in the region. He also said that more kidnappings were likely.

"This sort of operation is easy to execute," he said in a telephone interview. "It's also cheap and very effective. How hard is it to shoot or grab somebody on the street? Look at all this television coverage they've gotten in the U.S. They've now discovered this cheap and easy way to get publicity."

*Staff-writer Renae Merle in Washington contributed to this report.*

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## Exihibt 3B

1913-2003



OUR 90<sup>TH</sup> YEAR

A periodic report on international and domestic terrorism from the International Affairs and Civil Rights Divisions of the Anti-Defamation League. Made possible by a grant from the William and Naomi Gorowitz Institute on Terrorism and Extremism

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**FOCUS: TERRORISM ON THE INTERNET**

## The Internet as Terrorist Tool

International terrorists continue to use facilities within the United States to propagandize, incite, recruit, fundraise and to share knowledge about explosives, poisons and the means of using these to attack Western interests. The facilities that these terrorists use are the providers of fast and reliable Internet service, which allows them to spread their messages to a global audience. Companies that lease space on their computer servers have rules about the materials and content that can be placed on Web sites, but with millions of pages online — often in foreign languages — Internet providers and the hosts of Web sites and computer servers in the U.S. have found that their services have been used by terrorists to post their hatred



Photo from the Web site of "The Azzadin Al-Qasam Brigades," the military wing of Hamas. The headline over the photo reads, "Special shots of the mujaheedin (holy warriors) of the martyr Azzadin Al-Qasam Brigades."

Oftentimes these go unnoticed by the providers unless brought to their attention by monitoring

continued on page 2

## COUNTERTERRORISM Inside The United States

### Arrests/Indictments

- The U.S. Military charged former Guantanamo Bay Muslim Chaplain Captain James (Yousef) Yee, 34, with disobeying orders for improperly handling classified information. Authorities arrested Yee in September as he arrived in Jacksonville, Florida, on a flight from Guantanamo Bay. (10/10/03)
- Pakistani Uzair Paracha, 23, suspected of trying to help a terrorist operative gain entry into the U.S., was indicted on federal charges of terrorism conspiracy, providing material support to Al Qaeda and using false documents to facilitate an act of terrorism. The indictment expands upon charges first filed against Paracha in August 2003. He had been detained as a material witness since March 2003. (10/8/03)

continued on page 2

[www.adl.org](http://www.adl.org)

News, Special Reports & Information

**ADL TERRORISM TRACKER**  
**COUNTERTERRORISM**  
**Inside The United States**

continued from page 1

- Federal authorities in Alexandria, Virginia, charged Islamic activist and leader of the American Muslim Council Abdurahman Alamoudi, 51, with illegally accepting money from Libya for his efforts to persuade the U.S. to lift sanctions against Tripoli. (9/29/03)
- Air Force translator Ahmad I. Al-Halabi, 24, was charged with espionage and aiding the enemy. Al-Halabi had worked for nine months as an Arabic language translator at Guantanamo Bay and is suspected of trying to deliver to Syria classified information about cell blocks and military air movements at Guantanamo. (9/23/03)

**Convictions/Sentencing**

- October Lewis, accused with six other Portland-area residents of conspiring to help Al Qaeda and the Taliban fight U.S. forces in Afghanistan, pleaded guilty to money laundering. She agreed to testify against her former husband and another man. (9/26/03)
- Two of the "Portland Seven," brothers Ahmed Ibrahim Bilal, 25, and Muhammad Ibrahim Bilal, 23, pleaded guilty in U.S. District Court in Portland, to charges they trained for a jihad and attempted to reach Afghanistan, prepared to "die as martyrs" fighting with the Taliban against the U.S. Under the plea agreement, the two American citizens agreed to cooperate with authorities. (9/18/03)

**FOCUS: TERRORISM ON THE INTERNET**

**The Internet as Terrorist Tool**

continued from page 1

groups, such as ADL (or complaints are also sent to systems' administrators by private citizens who have formed groups and created Web sites to report on where these terrorist sites are located).

Web sites for terrorist groups and their supporters often try to get space on systems in the U.S. due to the reliability and speed of the U.S. telecommunications systems. Although many sites have been forced to relocate overseas, there are still numerous active Web sites in the U.S. and Canada for Hamas, Hezbollah, Al Qaeda, Hizb-ut-Tahrir, Al-Manar, Fatah, Palestine Islamic Jihad, and various Chechen Islamic groups linked to Al Qaeda.

The Web sites linked to terror include bomb-making tips and instructions on how to manufacture explosives, as well as essays giving religious justifications for suicide attacks

and claims of responsibility for terrorist attacks worldwide.

Some sites even include video clips of terrorist attacks by their members, or the "martyr" videos made by bombers before these attacks.

Terrorist sites many times include forums, where any visitor can post materials and respond to items posted by others. Forums such as these have included detailed instructions on building "Qassam" missiles similar to those fired from the Gaza Strip into Israeli towns, as well as advice on making explosives and poisons (such as ricin from castor beans and gasses from commonly used chemicals). The sites that include this information are available to anyone in the world who has an Internet connection — something that is becoming all the more pervasive in even the most remote locations in the poorest countries.

(For more information please see Jihad Online, at [www.adl.org](http://www.adl.org))

**RIGHT NOW**  
**THERE ARE TERRORISTS**  
**OPERATING IN AMERICA**

For more information or to register for breaking news go to:

**[www.adl.org/learn](http://www.adl.org/learn)**

## Exhibit 3C



## Statements

Maryam Rajavi: Resolutions by US Senate, European parliament reflect Illegitimacy, leave no room for appeasement

Thursday evening, the United States Senate adopted unanimously a resolution scheduled to be held on February 20, 2004. In [ran are fatally flawed, which demonstrate that authentic pro-democratic reform within the regime of Iran process ensures that the elections... will be neither free nor fair," the United States support the elections in Iran... as such elections stifle the growth of the green movement. Initiated by Senator Sam Brownback (R-KS), a distinguished member of the resolution underscored, "The support provided by the United States is not to any political figure who supports the preservation of the current regime. It emphasized that "the policy of the United States should be to advocate that will restore freedom to the people of Iran, will abandon terrorism, will support peace and security with the international community."

The Iranian Resistance's President-elect Mrs. Maryam Rajavi lauded the Brownback and the United States Senate. She said that the elected representatives of the Senate had unanimously characterized the clerical regime's sham elections as a major setback to democracy, noting that it stifles the genuine democratic force in Iran.

The time has come for the United States, therefore, to adopt a decisive policy of flexibility or engaging in any appeasement so as to not allow the clerical situation in order to step up repression and realize its fundamentalist and establishment of a puppet "Islamic regime" in Iraq- Mrs. Rajavi added.

She described the US Senate resolution and the one by the European Parliament would be neither free nor fair and a major setback to democracy- as well as other parliaments and parties across the globe- as an international consensus on the incapacity of the theocratic regime to reform.

Mrs. Rajavi noted that this leaves no room for giving concessions to or by democratic and peace-loving nations of the world must exert pressure on the elections under United Nations supervision, she added. By so doing- together with the Iranian people and not alongside (the religious, terrorist dictators) the Secretariat of the National Council of Resistance of Iran

February 14, 2004



Welcome: to Iran-e Azad website. This site was initially set up by a couple of Iranian-American students in mid 1990's to provide information on the Iranian resistance, the National Council of Resistance of Iran (NCRI) and to expose the Iranian Regime's state-sponsored terrorism. Since then a number of More comprehensive websites (some listed below) have been Developed. Please visit one of these websites instead.

[National Solidarity \(a comprehensive Farsi website\)](#)

The NCRI Foreign Affairs Committee's website (English)

The NCRI website (English)

[The Iranian Mojahedin's website](#)  
(includes an English link on the right pane)

**Kenneth Klein**  
**Attorney at Law**  
**For Petitioners Kach, Kahane Chai, and Kahane.org**

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**4. Summary of Responses from Kach, Kahane Chai, and Kahane.org**

Summary of Responses from Kach, Kahane Chai, and Kahane.org, summarizing: "Responses from Kach, Kahane Chai, Kahane.org"; "Responses from Kach, Kahane Chai, Kahane.org (Final Version)"; "Additional Responses from Kach, Kahane Chai, and Kahane.org".

**Response to the six acts of alleged terror forming the basis of the State Department's designations of Petitioners**

(1) Petitioners were not involved with the 1994 massacre at the Tomb of the Patriarchs in Hebron.

The Israeli Commission of Inquiry, "Shamgar Commission", concluded that Dr. Baruch Goldstein acted alone, independently, and secretly, and no one else was involved.

(2) Petitioners were not involved with the April 2002 attempted bombing near a girls' school. Contradictory and vague State Department records fail to substantiate any complicity.

The State Department attempts to link Petitioners to the alleged attempted bombing of a girls' school with the arrest of one man, Noam Federman, two weeks after the incident. But the State Department records contradict each other as to whether Federman was involved with Kach at the time of the incident. Another State Department record reported that the "Bat Ayin" terror cell planted the bomb, a group unaffiliated with and not alleged to be an alias of Petitioners. These records contradict another State Department record, an FBI summary that said several members of Kach were arrested.

In the end the State Department records failed to substantiate that Kach was involved at all. Federman was never charged. A State Department record reported that Israel closed the case a year later with the indictment of one person, Tzuriel Amiur, who the State Department does not allege is affiliated with Petitioners, and who Israel suspects is with the "Bat Ayin" terror cell.

(3) Petitioners were not involved with the March 2002 detonation of a bomb at a boys' school or planting of three other bombs; Vague State Department records fail to substantiate any complicity.

Other than mentioning that there were similar characteristics to the April 29, 2002 attempted planting of a bomb near the girls' school, the State Department offers no evidence that Petitioners were involved with the March 2002 detonation of a bomb at a

boy's school or planting of three other bombs. In fact, a group not connected to and not alleged to be an alias of Petitioners, and that might not even be Jewish, 'Angels Of The Oppressed', claimed responsibility for the boys' school attack."

(4) Petitioners were not involved with the shootings of Palestinians in the West Bank that left seven dead and nineteen injured; Vague State Department records fail to substantiate any complicity.

Other than mentioning that "Jewish extremists" were suspected of fatal shootings of Palestinians in Ramallah and Hebron, the State Department offers no evidence that Petitioners or even Jews were involved.

(5) Petitioners deny several shooting murders of Palestinians in the West Bank in the early 1990's; State Department's documents fail to substantiate the allegations.

One allegation that is not repeated throughout the State Department material is that Petitioners took responsibility for murdering several Palestinians in the West Bank in 1993. The allegation is found in one sentence in one document and mentioned in the State Department Summary. No other circumstances are provided. Petitioners deny committing any shooting murders. Petitioners do not engage in nor advocate terror. Petitioners are strictly advocates of certain ideological views based in Judaism.

(6) Activities such as demonstrations, door-to-door campaigning, and similar activities are protected by the First Amendment; Vague State Department records fail to substantiate that Petitioners engaged in threats.

State Department records state that "extreme right-wing activists" decided to launch a campaign against Prime Minister Sharon by engaging in demonstrations, canvassing door to door to plead their cause to Israelis, holding signs stating that 'Sharon is a Traitor' and handing "out pictures of Sharon clad in a keffiyeh." Even members of the Likud planned on protesting Sharon. At a rally in Haifa a demonstrator wore a T-shirt that said, "Art'el Sharon is Destroying the Country" and posters bore similar sentiments.

A State Department record said that a Kakh summer camp was investigated for inciting murder of foreign Minister Shim'on Peres. Activities at the camp included visiting the grave of Barukh Goldstein and conducting "a mock trial of Peres for his part in the Oslo Accords". No information was provided about the results of the investigation.

A State Department record said that Kakh activists were demonstrating outside an Israeli officer's home to protest the detention conditions of Bat Ayin members. Bat Ayin family members made accusations against the officer in a public letter and the wife of the officer published her own open letter stating she felt threatened and harassed. An alleged Kakh spokesman said he empathized with the wife but the protests were continuing.

A State Department record said that Israeli police received death threats demanding they drop their investigation of a "Jewish terrorist squad". The police detained five suspects. Petitioners were not mentioned in this report.

Thus, most of the above allegations were protected free speech activities. As to the alleged threats in the paragraph immediately above. Petitioners were not mentioned as suspects.

**Petitioners are not aliases of each other or any of the other organizations listed as aliases of Petitioners; State Department records fail to substantiate that Petitioners are aliases of one another.**

The State Department's own records refute their allegation that Petitioners are aliases of each other or any of the other organizations listed as aliases of Kahane Chai. The State Department Summary reported that Kahane Chai was the "successor to the original Kach organization...." That Rabbi Meir Kahane founded Kach in 1974, but after he was murdered in 1990 Kach split into two branches with the second branch calling itself Kahane Chai. Yet the Summary also says that Rabbi Kahane's son, Binyamin Ze'ev Kahane, created Kahane Chai on December 22, 1990.

According to another State Department document, Kach and Kahane Chai differed as to leadership and attitude. Kach was lead by Baruch Marzel and its members mainly resided in Israel. Kahane Chai was ultimately led by Michael Guzofsky and others in the U.S., Israel, and elsewhere. More so, the document added that members of Kahane Chai believed that Kach "was not taking a strong enough stand against the Arabs." Thus the State Department's records detailed different origins, leadership, places of residence, membership and philosophy between the two groups. It is fair to say that the State Department's records make a stronger case that Petitioners are not aliases of each other, as opposed to being one and the same.

The State Department then looked at the similarities of two of the designated websites to show that the websites and Kach, Kahane Chai, and all the rest of the aliases were one and the same. The author of a State Department record reported that the websites newkach.org and Kahane.org shared and promoted similar ideologies and shared many of the same links. Petitioners respond that many organizations share similar goals, ideologies and internet links.

But the author also presented information differentiating the two internet sites: Kahane.org sought donations and sold various merchandise to raise funds while newkach.org sought the donation of volunteer web services, as opposed to monetary donations. Kahane.org was registered to Yeshivat HaRav Meir, in Brooklyn, and listed Michael Guzofsky as the billing contact. Newkach.org was registered to NKM in Montreal and listed Efraim Hershkovits as the contact.

Yet, the State Department made the strongest case against the websites being aliases by listing website Kahane.net as an alias of Kahane Chai. In fact since April 27,2002, the domain name has been owned by a group totally antagonistic to Petitioners and their principles (see the domain records attached and fuller discussion above).

It is clear that the websites are not aliases of each other. It is also clear that the State Department failed to provide substantial support that Kach and Kahane Chai were aliases

of one another. As such, the State Department has failed to show that any of the organizations listed as aliases of Kahane Chai are in fact the same organization.

Designating website Kahane.org as an FTO violated Petitioner's right to free speech

Recently, an Idaho jury acquitted a man of providing material support to terrorists by operating an Islamic website seeking funds and recruits for the terrorist organization Hamas, a designated FTO. The site also posted declarations extolling suicide attacks. The jury found that even printed material advocating illegal action was protected speech unless it led to imminent action. We ask the State Department or the Court to apply the same principle to Petitioner Kahane.org, a website advocating the principles of a Rabbi some deem as politically incorrect and even violent. Petitioner denies that it is racist and feels its political views should be protected as free speech. As the State Department contends that Kahane.org is an alias of Kahane Chai, Kahane Chai and all its alleged aliases should be removed from the FTO list.

Designating website Kahane.org as an FTO resulted in religious discrimination

Despite the fact that some of the most notorious groups designated as FTOs have websites, the only websites designated as FTOs were Jewish websites. Petitioner and the other websites, all alleged aliases of Kahane Chai were treated different than the other non Jewish websites affiliated with designated FTOs. They were discriminated against because of their religious views. Hence, the designation must be revoked. As the State Department contends that Kahane.org is an alias of Kahane Chai, Kahane Chai and all its alleged aliases should be removed from the FTO list.

Conclusion

The administrative record contains so many contradictions, inaccuracies, and vague assertions that the State Department failed to show by substantial support that Petitioners engaged in terrorism or were aliases of each other. As well the designations were arbitrary, capricious, and an abuse of discretion. Thus, we request that the Secretary of State revoke Petitioners' designations. If the Secretary fails to do so, then the United States Court of Appeals for the District of Columbia Circuit should set aside the designations pursuant to 8 U.S.C. Section 1189(b)(3)(A), (D). As well, the designations violated Petitioners' rights to free speech and freedom from interference in the practice of religion. Thus the designations should also be set aside pursuant to 8 U.S.C. Section 1189(b)(3)(B).