

ENDOWMENT FOR MIDDLE EAST TRUTH (EMET)

**SEPTEMBER 11TH SAUDI INFILTRATION IN TO AMERICA'S
NATIONAL INFRASTRUCTURE SEMINAR –
PANEL TWO**

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SARAH STERN: Welcome back to our annual September 11, 2001 memorial seminar in memory of those almost 3,000 Americans who lost their lives on that fateful day nine years ago.

As we begin, I would like to talk a little bit about something that is near and dear to my heart, and that is the education of America's young people. It's difficult, I guess, for most people to acknowledge that actually the Saudis have found a way – but it's actually true – to encroach on the minds of not only our people, our young people on university campuses throughout the country. You know, as we've mentioned, \$20 million to Harvard, \$20 million to Georgetown, \$20 million to University of Arkansas, etc..

But they have actually encroached upon our much younger children and they have learned how to do it by cleverly using a little-known law called Title VI of the Higher Education Act of 1965. This law was actually born in 1958 as the National Defense Education Act, as you can see. Now, the National Defense Education Act came about when our country was at war with another evil power – the Soviets,

People here in Washington realized that our nation's youngsters were woefully ill-equipped to compete against the Soviet threat because they lacked a basic knowledge of foreign languages and cultures. So they decided to endow universities all around the country with regional studies centers, so these regional study centers were born on college campuses throughout America, such as Soviet studies, African studies, Asian studies and Middle Eastern studies.

As you can see, the goal of Title VI was to provide funding and support for programs across the country with a focus on the study of foreign languages, as well as area and other international studies critical to strengthening our ability to ensure the nation's security and economic competitiveness. If we could go to the next slide.

Okay, so these were the goals, to create a legion of experts in the areas of national security, business, industry and education. Now the federal government pays for regional studies programs on American college campuses. And as I've said, these include post-Soviet studies, Asian studies, African studies, Middle Eastern studies. Next slide, please.

Okay, now, in terms of the Middle Eastern studies programs alone, there are approximately 23 schools and universities, throughout our nation, that are getting Title VI funding from our federal government. Those are your taxpayers' dollars at work, at the sum of upwards of \$120 million per year. These schools include Harvard, Columbia, NYU, University of Chicago, Michigan State, University of California, San Diego, UCLA, University of California-Berkeley and many, many others in between.

Now, in 1978, the late professor of comparative English literature at Columbia University, Edward Said, invented a theory called "post-colonialism" and he penned his book

“Orientalism.” And it was then that he caused a real revolution in the academy across the United States because he doubted the scholarship of anybody who wasn’t native-born to the region. And he said every European is a racist and almost totally ethnocentric.

So all of a sudden, this cloud of skepticism started pervading anyone who wasn’t an Arab from the Middle East. And people such as Bernard Lewis and Efraim Karsh were looked upon as orientalist. So the intellectual recuperations that happened were major.- they were seismic. At a time when Middle Eastern scholarship lacked direction, Said’s substitution of political diatribe for serious scholarship quickly caught on.

It was a simple, single-factor analysis. Classes dealing with the Middle East no longer reflect, as John Stuart Mill used to call it, “the free marketplace of ideas,” but an almost intellectual orthodoxy, or as Martin Kramer, who has really penned a fabulous book on this called “Ivory Towers on the Sand,” has said, “groupthink has set in.”

Now, here comes the Saudi connection. In order for the universities to receive Title VI funding from the federal government, they have got to conduct community outreach, including teacher-training workshops for teachers from kindergarten through the 12th grade. One of the big centers is just a couple miles away from hereat Georgetown University.

Now, the Saudis have lavishly funded several organizations that provide supplementary materials for these teacher-training workshops.

So who provides these materials? The Council on Islamic Education is founded in 1990 by a parent from California, Shabbir Mansuri. And three publishers of textbooks – Glencoe, Houghton Mifflin and Prentice Hall – all rely on Shabbir Mansuri and the Council on Islamic Education to review their Islamic content, accounting to the omission of anything that would enable students to understand conflicts between Islamic fundamentalism and Western liberalism. Next slide.

AWAIR – the Arab World and Islamic Resources foundation – is funded by Saudi ARAMCO. It focuses on providing resources and individuals to speak at the Title VI teacher-training seminar together with the Middle East Policy Council. The executive director, Audrey Shabbas, has been an active member of the National Council for Social Studies, and she goes to National Council for Social Studies meetings throughout the United States.

Their teacher training is supported by the 500-page loose-leaf called the “Arab World Studies Notebook.” You know, this would be fine if there was some sort of balanced perspective here, but what you see systematically is a one-sided perspective basically whitewashing Islam. America can do no right. America is a post-colonial power. Of course, Israel can do no right as the American outpost in the Middle East.

AMIDEAST is another private, D.C.-based organization funded by Saudi ARAMCO. AMIDEAST works with thousands of educators in the United States as they – (inaudible) – educational material and make presentations about the Arab world at national conferences and teacher associations, and at local teacher workshops throughout the country. Next slide.

Dar al-Islam. This is an amazing site. Set in a beautiful, 1,357-acre campus in New Mexico, Dar al-Islam is funded by Saudi ARAMCO. On their beautiful, rural campus sits a mosque, sits a publishing house, sits a summer camp and sits a teacher-training workshop. They call it the Residential Teachers Training Institute. Costs for everything but transportation there are totally covered. Teachers who attend Dar al-Islam are learning from what they say are “God-fearing Muslims,” and they’re expected to use the materials in the classroom. I really would like every single one of you to go to daralislam.com and look at what they say on the website. Next slide.

Okay, so back to the university. As I spoke to you in the beginning, many of us are aware of the \$20 million gift that was bequeathed to Harvard University and Georgetown. All told, from 2005 to 2008, they’ve given approximately \$100 million. Besides, Harvard and Georgetown, this includes the University of Arkansas, Columbia University, the University of Colorado, Maryland, Cornell, Michigan, Texas A&M, UC-Santa Barbara. So you see that the universities are making out like bandits. Not only are they getting money from the taxpayers for these Title VI programs, but they’re also getting them from the Saudis. And then the Saudis, very stealthily, have used this loophole in the law saying that you have to have some teacher-training workshops, and they’re providing the supplemental materials for that.

So from Harvard Yard to the kindergarten classrooms, the Saudis, since the 1980s, have been working on a comprehensive campaign to influence young American minds. As I spoke about before while they support Wahhabism around the globe through their Saudi-funded mosques and schools – by the way, Nina Shea from the Hudson Institute has done a fabulous study going to 15 mosques around the country several years ago, and she found that they all had a Wahhabist curriculum for their schools, which are right here, on American soil.

So their petro-dollars are hard at work penetrating into the young minds of American students here at home, not only endowing chairs, but creating textbooks and supplemental materials and influencing young, American hearts and minds. Next slide. What do the Saudis understand? They understand better than we do what Nelson Mandela said. Nelson Mandela said that “the most powerful weapon you can use to change the world is education.” This is something that we are neglecting woefully.

In 2008, I worked together with Martin Kramer, the author of “Ivory Towers on Sand,” and Stanley Kurtz, who writes for National Review Online, and we worked to amend the laws very incrementally. We amended Title VI of the Higher Education Act of 1965. The new law says that the universities have to survey the agencies of the federal government, like Department of Defense, et cetera, to find out what they need from the universities.

And the answer was basically Arabic, Arabic, Arabic, and perhaps Urdu and Farsi. And they have to also have a list of graduates from these programs that go on to serve the national security interest of our nation. Unfortunately, after seeing what’s being taught in many of these programs, I think they’re more likely to join al-Qaida than serve our nation’s national security interest.

And they have also got to prove that efforts have been made to increase intellectual diversity so that there are other things on the reading list besides Rashad Khalidi and Joseph Mosad.

Now, I have to tell you that these changes that we worked so hard to educate our policymakers to make— I don't know if there's any oversight. I've gone on to do many other things, as has Martin Kramer, and as has Stanley Kurtz. I called people in the Department of Education as recently as last week, and they didn't seem to know what I was talking about when I was trying to talk to people about this, so we really need congressional oversight about this.

There's another law that's being ignored, and that's the Foreign Gift Disclosure Act, that says gifts made to universities of \$250,000 or more must be disclosed to the U.S. Department of Education. It says directly in the law that this should be made available during business hours. But we needed to file a FOIA request to get the data of foreign gifts that we went through before. This is just some of them: 20,000 (sic) to Harvard, the Prince Alwaleed Bin-Talal Center at Georgetown, \$20 million to the University of Arkansas, because promises had been made when Clinton was running for president, \$11 million to Cornell, \$5 million to Rutgers, \$5 million to UC-Berkeley. It adds up to about \$100 million.

These federal laws have been ignored. We need congressional oversight. There's a need for transparency of where the money's coming from, how it's being used. And there's a need for accountability of what's going on within this Title VI federal aid program, within the teacher — (inaudible) — centers and the American classrooms.

Okay, so this is something that I've been working on for years and years and years. I think that for years, I've been watching the Israeli-Palestinian conflict, and I noticed that the Palestinians were brainwashed to one side, while the Israelis had peace curriculums. And while the Palestinians were constantly being incited to hate and kill, the Israelis were not prepared for this, because they were taught only empathy through their peace curriculum. They were taught to feel guilty about their moral claim to the land. You know, if our American youngsters don't appreciate what this country is all about, they will not be able to fight for it and defend it. Thank you very much. (Applause.)

Now it's my pleasure to invite Daniel Huff. Daniel is the director of the Middle East Forum's legal project. He previously served as Senate Judiciary Committee counsel to then-ranking member Arlen Specter, handling a host of civil, criminal, immigration and national security matters.

One of his many priorities as committee staff was the free speech Protection Act, which combats libel tourism, the practice of intimidating American authors by suing them for libel in foreign jurisdictions less protective of free speech rights. He is a graduate of Columbia University Law School. Thank you very much, Daniel.

DANIEL HUFF: Thank you. And I beg your pardon for two minutes while we hook this up because it seems that this is further than we'd hoped from the lectern.

MS. STERN: Okay. Kyle Shideler is a senior research fellow at the Endowment for Middle East Truth. He has worked as a researcher, public relations officer and blogger for a number of wonderful organizations concerned with the rise of radical Islam in our nation. Kyle?

KYLE SHIDELER: Thanks, Sarah. I don't rely on technology because it will let you down every time. (Laughter.) I'd like to thank Sarah for giving me the opportunity to speak today. What I'm going to talk about is Saudi Arabia and non-governmental organizations, most especially think tanks, policy centers and other politically active nonprofits.

And it's sort of generally accepted that Saudi Arabia does fund certain NGOs and that it engages in lobbying and public relations work in our country. So the question that I would pose is, do those activities represent merely the reaction to the occasional bad press, or are they a long-term, layered influence operation? Are they a strategic plan? And I'm going to argue that they are a strategic plan. They are an integrated plan of action.

And a description of this plan was given at 2004 at a conference called, "The Image of Saudi Arabia in the World." And this was a conference with a mixture of academics and Saudi officials that met in Riyadh to discuss how Saudi Arabia should respond to, "countries tolerating or encouraging a hostile attitude" toward the kingdom. And interestingly enough, what they basically decided to do is a fairly accurate depiction of what they were already doing in the field of public relations and policy-influencing since well before 2004.

But basically, the conference attendees suggested several steps, and I'm going to list them for you. One, they recommended utilizing expatriates who had worked in the kingdom to generate a positive image. Two, they recommended using the Saudi, "private sector," such as Saudi ARAMCO, to publish pro-Saudi materials. Three, they recommended using economic investments in foreign countries to put pressure on those government officials. And four, they recommended opposing the, "pro-Israel lobby," and its, "hostile media campaign."

So what I'm going to do is provide you with some examples of some more prominent pro-Saudi think tanks and NGOs, and I'd like you to keep those four steps in mind as we go through describing them. So let's take a look at some examples. The first example I would give you would be the Middle East Institute, which is run by former ambassador to Saudi Arabia Edward Walker, along with former ambassador Wyche Fowler.

The second one is the Meridian Center, which is run by former ambassador to Saudi Arabia Walter Cutler. And both organizations focus on delivering a sort of pro-Saudi narrative. The Middle East Institute has publicly stated that they received about \$200,000 of a \$1.5 million budget from Saudi sources in 2002. That represents about 13 percent of their total budget, while the Meridian Center has a rather massive \$20 million budget and has received contributions from Saudi ARAMCO, as well as other subsidiary ARAMCO services. According to Walter Cutler, the Saudis have been, and I quote, "very supportive."

Both MEI and the Meridian Center spokesmen, especially the ambassadors, like Walker, Fowler and Cutler, routinely appear on the news and in print, in op-eds, as experts on Saudi

Arabia, where they will defend its human rights record, minimize the threat from Wahhabist extremism and suggest, as one did, that democracy was right around the corner within the next 10 years, and that was 10 years ago. So this is an example of expats from Saudi Arabia – ambassadors in this case – who can be treated as experts, while, at the same time, no one bothers to mention that they are on the payroll of an organization which is funded by Saudi Arabia.

The third example I would like to give you is the Middle East Policy Council that's headed by former ambassador to Saudi Arabia Charles Freeman. In 2005, it received a million dollars from Saudi King Abdullah, and in 2007, it received another million dollars from Saudi Prince Alwaleed Bin-Talal. The Saudis had also promised an annual contribution, over a period of five years, beginning back in the mid-'90s. So MEPC is an organization that the Saudis have been funding for quite some time now.

And what do the Saudis get for their money? Well, MEPC basically does three things, according to Ambassador Freeman. Number one, they conduct policy seminars on Capitol Hill to influence policymaking. And these seminars have featured a number of very questionable experts, including, amongst others, individuals who are now in prison on terror charges and people who run very radical, pro-Palestinian websites, such as "The Electronic Intifada," if you're familiar with that one.

Second thing they do is they publish a journal on Mid-East policy. This journal has, among other topics, accused Israel of causing the most recent Iraq war, and they have compared Israeli military actions to the Nazis, in terms such as "blitzkrieg" and things of that nature. And the third and most important thing that MEPC does is the training programs for teachers about Arab culture and Islam. MEPC is the primary publisher, as Sarah mentioned, of the "Arab World Studies Notebook."

The notebook, rather famously, has contained claims that the Muslims discovered America. It has denigrated the Jewish connection to Israel and Jerusalem, as well as suggested that there was undue Jewish influence on American policymaking. The notebook, as Sarah said, was put together by a woman named Audrey Shabbas at the Arab World and Islamic Resource. AWAIR receives funds from Saudi ARAMCO. And interestingly, Shabbas was actually on the payroll of the Middle East Policy Council in 2005. She received \$62,500. At the same time – in the same year – she received an additional \$40,000 in compensation for running her own organization.

Now, the "Arab World Studies Notebook" is, I feel, a very good example of the kind of publishing that Saudi ARAMCO and the other Saudi private-sector organizations support. And as you remember from the 2004 conference, supporting the publishing of pro-Saudi materials was one of the things that Saudi ARAMCO and the other private sectors had pledged themselves to do.

The third example I'd like to give you is the Americans for Middle East Understanding. It's run by former ambassador to Saudi Arabia James Akins and former congressman Paul Findley. And in the past three years, they've received between \$50,000 and \$60,000 a year from Saudi ARAMCO, with which they publish a very anti-Israel publication called, "The Link,"

which is sent off to schools, libraries, churches and other academics. And to fund that publication, they receive money, also, from the Olayan Charitable Foundation, which is a charitable arm of the Saudi multinational the Olayan Group.

Findley and Akins were also involved in a lawsuit against the Federal Election Commission in 1989 over the FEC's refusal to penalize AIPAC over alleged campaign finance infractions, which I think goes back to the idea of taking the pro-Israel lobby, which was mentioned in the 2004 conference.

So, so far, I've been describing think tank-style organizations, organizations that primarily work on influencing opinion and policy through the media and through policymakers themselves, but the Saudis also fund organizations who have another purpose, the purpose of creating what I would call constituency-type organization. And in this case, it's an Arab-American constituency.

And this work appears to be seen by the Saudis as a method to counteract their understanding of the pro-Israel lobby – this idea that all of America's pro-Israel policies come primarily from a politically active, Jewish voting bloc. So they're attempting to create an alternative to that voting bloc. And the two examples I'd like to give you of this activity are, first, the Arab American Institute, which is headed by a man named James Zogby.

And according to that organization's 2008 congressional scorecard, their primary interests are the Israeli-Palestinian conflict, the Iraq war and allegations of civil rights abuses in the war on terror. The Arab American Institute has received funds from the Saudi Olean Charitable Foundation. They have worked alongside CAIR in civil rights conferences in 2000. And James Zogby was also the secretary of the AWAIR organization, which publishes the "Arab World Studies Notebook," which is something that he didn't mention when he penned an op-ed defending the notebook in the press.

Now, according to author Steven Schwartz in the New York Post, Zogby traveled to Riyadh in 2003, where, acting as a representative of the Arab American Institute, he spoke with the secretary of the World Assembly of Muslim Youth, which is an arm of the Saudi government with a responsibility for promoting Wahhabism. And together, the two groups announced that they were going to work to fight up to 13,000 deportations of Arabs and Muslims from the United States.

Another member of the Arab American Institute, Chairman George Salem, received \$70,000 in lobbying work from the registered foreign agent DLA Piper, which is a registered foreign agent for Saudi Arabia. Salem also formerly worked for Akin Gump Strauss Hauer and Feld, which is also a Saudi-registered foreign agent. I mention George Salem because he was also a board member of the other organization that I wanted to mention, which is the Arab-American Antidiscrimination Committee.

Now, the ADC has opposed almost all anti-terror legislation since 9/11. They supported convicted Palestinian Islamic Jihad organizer Sami al-Aryan, calling his investigation, "McCarthyism." Its leadership has called Hezbollah's actions during the Second Lebanon War,

“exemplary,” and Hamas and Hezbollah have been called resistance fighters or freedom fighters by the members of the organization.

Now, for these strong stances, it has been well-rewarded, they received \$6 million for a building. And that money came from Saudi Prince Alwaleed Bin-Talal in 2005. They also received \$20,000 for a research institute from the Olayan Charitable Trust in 2006, and again in 2007.

Now, the ADC has been very active in cooperating with other Saudi-supported organizations. For instance, they were also involved in the FEC trial, which I mentioned earlier, an attempt to force the government to take regulatory action against AIPAC. Their cooperation in that case involved providing a press conference, and also, their president served as co-counsel.

I think if these NGOs were operating by themselves, even if they received the annual Saudi contribution, I don't think that their influence would be as pervasive as it is. But instead, they have a tendency to work together with high-powered public relations firms on the Saudi payroll. And this gives them the kind of influence that other think tanks and NGOs wouldn't be able to match in the effort to counter what the Saudis call the “hostile media campaign.” And I'd like to give you some examples of how this works by talking about Qorvis Communications.

Now, Qorvis is a public-relations firm, which provides a long list of services for the Saudis, including arranging media appearances, organizing conferences and coordinating outreach events, for which they're paid handsomely. At one point, they received over \$14 million a year, and they still received over a million dollars in 2008. Now, in these two cases, we know that there are strong allegations that Qorvis, together with Saudi-funded NGOs, worked together to set the tactics in order to promote Saudi Arabia's interests.

In 2002, a hastily organized group of NGOs, which called themselves the Alliance for Peace and Justice, which included the ADC and the Middle East Policy Council, among others, began running a series of advertisements in which they promoted the Saudi peace plan and opposed any Israeli military action. Now, as it turned out, the alliance just happened to have the same headquarters address on all of their filing documents as Qorvis Communications.

They were being run out of the same building. And the ads were not produced by the NGOs at all, but were produced by a big-time political advertising company. And for this, the alliance paid Qorvis \$700,000. So the question becomes, where does an ad-hoc taskforce of NGOs come up with \$700,000 that they can afford to spend on a single ad campaign? Saudi Arabia.

Saudi Arabia agreed to provide the taskforce with a bridge loan from the Saudi embassy. Now, this is not your regular kind of loan, because in this kind of loan, you don't have to pay it back. And the reason you don't have to pay it back is because Saudi Sultan Adel al-Jubeir, who's now ambassador from Saudi Arabia, agreed to fund-raise in Saudi Arabia to raise money to pay for the loan which the taskforce had taken out from the Saudis. So ultimately, it's not a loan at all; what it is, is the Saudis paying \$700,000 to run an ad campaign disguised as the activities of a few NGOs.

And the second case I'd like to tell you about is one that was first reported by professor Daniel Pipes, and it was the case of Charles Lipson, who was a professor at the University of Chicago and who runs a speaker panel-type program. And he was contacted by a local PR firm, which was on subcontract from Qorvis. And the PR firm told Lipson that they had five speakers that would talk about the Middle East, including two former ambassadors – Walter Cutler of the Meridian Center and Richard Murphy of the Middle East Institute.

And the spokesman told Lipson that all five speakers were, and I quote, “allies of Saudi Arabia.” After Lipson expressed some concern about being able to afford the speakers, given a very small honorarium to offer, he was told not to worry about it and that all expenses would be covered by the PR firm. Now, when this news became public, both Qorvis and the Saudi Embassy denied that they had anything to do with it, or that they intended to cover the cost of the program. But obviously, somebody was paying for it. And what I think is more obvious is that they've not been challenged on this before, but they fully expected that this would be business as usual, and that they would fund these speakers on a college campus.

So I've given you some rough examples of the manner in which Saudi-funded NGOs receive their money, how much money they get, and what kind of tasks they perform with it, and I've also attempted to detail how public relations firms, like Qorvis, can act as what I call a force multiplier for the NGOs, funneling money to them and providing public relations and advertising assistance.

And I think we can see that the recommendations made in the 2004 conference in Riyadh are a fairly accurate reflection of what the Saudis have been doing and are doing. For instance, they use expatriates, especially Foreign Service employees, such as ambassadors, to run pro-Saudi think tanks. They produce publications with the financial assistance of Saudi ARAMCO and other Saudi multinationals.

They concentrate very heavily, as Sarah said, on education – or perhaps one might say miseducation – of teachers and students at both high school and college levels. And finally, they reach out to mass media outlets, where their ambassadors sound a pro-Saudi line. So I suppose a question that one would ask is how to oppose such a program, if you were inclined to do so. And I have three primary policy recommendations that I'd like to make, mostly as a stopgap measure.

And the first thing I think has to happen is, we have to follow the money. Now, as it stands presently, nonprofit organizations have no real requirement to reveal the nationality of their donors, nor the amount, the quality or the provisions associated with any foreign gifts they might receive. Now, this makes understanding the true extent of Saudi financing extremely difficult.

So one prescription we might take to better understand the phenomenon we're facing would be to require that donations made, either in cash or in kind, be recorded with the IRS by the nonprofit, and indicate that they had received money from a foreign entity or a foreign registered agent.

And this data could then be posted on a publicly accessible database, where you could cross-reference it by recipient, by country of donor, by name of donor and by the amount of the donation, similar to the way we do for foreign registered agents right now. You can look up and see what private lobbying firms are being funded by Saudi Arabia, but you can't look up what nonprofit organizations are being funded by Saudi Arabia, even if they do similar work.

So that would be the first step, and I think it's also important to point out that there is no nonprofit exception to the foreign registered agent act – if you're a nonprofit, that you don't have to register. But in practice, it's very difficult to distinguish between an organization which is exercising its First Amendment rights, and the Saudis just happen to like to pay them for their opinion, and an organization which has been created for the sole purpose of putting forth the Saudi line.

The second point I'd like to make is we need to slow the revolving door. The Saudis count on a constantly revolving door between the administration and State Department officials into the lucrative private-sector and lobbying positions. If we extended the cooling off period for government officials, especially ambassadors, in order for them to represent foreign entities, it would increase the time before they would be able to enjoy that lucrative payoff that the Saudis dangle before them. Legislation of this nature has previously been proposed by Reps. Frank Wolfe and Mike Rush, and I think it's very doable.

And the third thing that I would recommend would be truth in advertising. Now, just as we require our own citizens who run for public office to say when they're sponsoring an ad, so, too, should public relations advertising and marketing campaigns, which are run by organizations or individuals who are registered foreign agents should be required to include language within the program indicating that the source of their program's funding is a foreign entity.

This way, the public would be aware that it's listening to a political message funded by a foreign government, and at the same time, we wouldn't be stepping on anyone's First Amendment or free speech rights. So those would be my three proposals. And I appreciate it and I hope we have time for questions a little bit later on. (Applause.)

MR. HUFF: Thank you very much for our patience. I apologize for the delay. We've talked, today, quite a bit, I think, about the Saudi efforts to get their own message out, whether it's through textbooks at the high school level or the college level, or through compliant clients or working through various nonprofit organizations. And I'm going to be presenting, I think, what is the flipside of that, which is Saudi efforts to not just get their message out, but to prevent a contrary message from being disseminated.

And in particular, I want to look at the use of libel law to prevent critics of the Saudi regime and radical Islam in general from making their case. Now, it's, in fact, a rather old tactic. The New York Times against Sullivan is a seminal case establishing broad First Amendment protections in the United States for journalists who write about public officials, public figures and matters of public concern. And I think it's useful to look a little bit at how that case came about, because it really is the prototypical example of using libel law to silence legitimate analysis.

What happened was, of course, there were a number of federal laws, which were implemented to force desegregation. And various southern officials wished to not comply with them, and they were called to task for this by a number of large organizations, particularly the New York Times, which covered the efforts, and the Columbia Broadcasting System, CBS. Now, in an effort to try to stop this from happening, some southern officials brought libel suits against the New York Times.

And the way they did this was, they seized upon an ad that was called, "Heed Their Rising Voices." It was actually an ad that ran in the New York Times, not an article itself, but the Times, remember, was held liable. And it was trying to raise money for the civil rights effort, particularly to defend the Rev. Dr. Martin Luther King from a perjury charge in Alabama. And it cited various abuses that had been visited upon the civil rights protesters in Alabama, but with some admitted factual inaccuracies.

So for example, it said that they sang, "My Country, 'Tis of Thee," on the Capitol steps, which was inaccurate. They had, in fact, sang the national anthem. Well, this is a factual error, so perhaps it forms a basis of a libel suit. And in fact, one was brought and the case went all the way up to the Supreme Court.

And it was at that point that the court said, we're not going to allow states to hold journalists liable for essentially mistakes where they haven't been shown to be essentially egregious, where there hasn't been a very high level of fault, called "actual malice." In other words, if a journalist printed the matter knowing it was false or with reckless disregard for whether it was true, then you could hold them liable for libel; otherwise, you could not.

It's very important. It's a very high standard. It's very difficult to show. And in fact if you're in a libel suit and you're a public official or you're a government official or public figure and it's a matter of public concern, to try to get any punitive damages is a very difficult thing to do. But where it's significant is that the court, in their writings, noted that this was not just a general, garden-variety libel suit to vindicate claimed actual injury to reputation.

Rather, it was a purported effort to shut down coverage of an important issue so that people would not know what was going on. And I have up there a quote from the concurrence in the opinion, where they say that, "this technique for harassing and punishing a free press – (inaudible)" – at the time of this case pending, I think, was it \$7.3 million in libel suits against these various organizations. So it could be a very potent threat.

Now, what the Supreme Court did was made it a lot more difficult to sue for libel, so the Saudis and others understand that, and they try to think of ways around it. Well, they've come up with something called libel tourism. This takes us to the next slide. It's essentially an end-run around the Constitution. What you do is, you don't sue in the United States; you sue in England or another jurisdiction that doesn't have the New York Times against Sullivan – the high standards and great protections for free speech that we have here in the U.S.

And I set out there a number of differences between British libel law and U.S. libel law, which make it very attractive. So you'll see the Saudi plaintiff is in the center and it's not going to the left, to the U.S., but rather to the right, to sue in England. Now, what are the various advantages? Without boring everyone with the technicalities, I'll guess I'll do a couple of points.

There's a shift in burden of proof. In the U.S., the plaintiff would have to prove falsity. He would have to prove that what the journalist wrote about, let's say, the Saudi financier of terrorism is false. In England, however, the material that's allegedly libel is presumed false, and the burden is on the plaintiff to prove that it's true – that what he wrote is, in fact, correct. This is a substantial difference. You also have, and this is very important, much narrower public interest defense in England.

So as I said in the United States, in the New York Times against Sullivan, we were talking about very important issues. They would have to show that the journalist was really reckless or knew that the material was false. And we've had cases in the Supreme Court where they printed something and they changed a quote deliberately and even that wasn't held to be sufficiently egregious to qualify for damages. So in the U.S., there's a lot of protection, but in England, they don't have it.

They have narrower defenses based on a case called Reynolds, a case involving the Wall Street Journal and Saudi terror financing. It doesn't approach anything like what we have in the United States. A quick little – (inaudible) – on New York Times against Sullivan, some of the material errors that they set forth, the Supreme Court says that really, the paper should have known that because the paper had, itself, reported on these matters prior, so they should have seen that the advertisement was mistaken. Because the paper itself had the correct version, you know, in weeks prior.

And they say that, in that sense, it would have met the negligence – they were negligent and not – (inaudible). Nevertheless so, because it was such an important matter, negligence was insufficient and you had to show a much higher standard of fault. So I use that as an illustration of a case where they might have been found guilty, but the higher standard of fault removed them from that, whereas in England, in the situation that you had in the New York Times against Sullivan, it's probably the case that the paper would have been found guilty, that they should have known for a variety of reasons. So it's a very important distinction.

The other very important matter, because it involves the Internet, is the willingness of British courts to exercise jurisdiction in cases where there's really no strong bind between the events that occurred and England. And this is of particular concern because, as I said, on the Internet, if something goes up, it can be downloaded anywhere. And so the British court has started saying, well, we have jurisdiction here because five or six people looked at it on the Internet, even though it wasn't aimed there.

Now, that's prevented the U.S., as I know – (inaudible) – because there's a requirement that material be aimed at the jurisdiction where the case is brought. But in England, you don't have that. Essentially, if there is harm done and someone reads it and it's defamatory to them, it's

sufficient. So you have a very dangerous combination of – (inaudible) – friendly libel regime in England making it a lot easier for plaintiffs, and at the same time, the courts are very willing to entertain these cases.

There are a variety of other dynamics, in terms of costs and so forth, but you can see them up there. But the point is that it's very effective to go file these suits in England, as opposed to the United States, if you can manage to establish jurisdiction, which isn't that hard. So moving to the next slide, I present a number of examples. The canonical example is really that of Dr. Rachel Ehrenfeld. People may have heard her name.

She wrote a book on terror financing and how to stop it. And in that book, she named a person – a Saudi banker by the name of bin Mahfouz. He's actually a prominent, wealthy person, not some merely a wealthy sheikh. He, in fact, was the personal banker of the Saudi royal family and, in fact, owned the bank that became the national bank of Saudi Arabia. So he is, in fact, a very, very prominent person, even had some ties to the chairman of the 9/11 Commission, if I'm not mistaken.

Anyway, she named him in there and he sues her. But he doesn't sue her in the United States. Ehrenfeld's in the U.S. He's in Saudi Arabia. He sued her in England. And what's the basis of the jurisdiction? Twenty-three copies of her book were sold online in England. It wasn't aimed at England; it was aimed at the U.S. audiences. But because 23 copies were sold in England, he's able to sue her there, where it's a lot easier to obtain a judgment. And Ehrenfeld says, I'm not going to go there, where it's fixed, or it's rigged.

And she doesn't appear. So the judgment is entered against her in default. She didn't show up so they said, all right, well, you're guilty; you didn't show up. And they ordered her to pay \$250,000 in damages, to apologize. And this is also very important – they enjoin future publications – you can't publish this in England anymore. This is very troublesome, because supposing it's published in the U.S. and then it finds its way to England the way it did on Amazon.

How's she supposed to prevent that? So it's a very problematic thing. Nor is it sufficient to say, well, she doesn't have to travel to England and she'll be okay. Because A, it's going to be enforced anywhere in Europe, under rules of the European Commission, and second, there could be an attempt, at some point, to try to enforce it in the U.S. And she always has this specter hanging over her head. So it's a very significant problem, and she was one example. But there are many others.

I think another one very relevant to the matters before us is the book "House of Bush, House of Saud," which is a best-selling book in the U.S. and formed a basis, I think, for the "Fahrenheit 9/11," a very popular anti-Bush movie. And it really goes into the relationship between the Bush family and the Saudi royal family, going back many, many years that had essentially laid the foundation for many of the problems that we saw on 9/11 and after.

So it was an interesting book and it was very popular and they tried to publish it in England. And the publisher was threatened with a libel suit, and he backed down. And this is a

book by Craig Unger, who's a famous author. But this is an important illustration, because the book by Ehrenfeld may not be of wide interest, so you might say, well, they don't have a lot of money, so they can't fight the libel suit. Well, this is a best-selling book. You think that it would make sufficient money that they might be willing to push forward, but they didn't do it. So it's quite a good illustration.

Another example up there that I like is the case against Al Arabiya, which is the Arab TV network. And they were sued by someone like bin Mahfouz who was – (inaudible) – connected to terrorism, and they wound up accepting a judgment of, what, I think it was \$325,000. So again, it can be very, very costly and it's not limited to the Western news outlets, and it's not something which is going away quickly.

It's true bin Mahfouz, who was behind a lot of this, has since passed away. But just recently, we saw a case in 2010 with Dr. Zuhdi Jasser – a case in Arizona. He's a moderate Muslim thinker, prominent, speaks here from time to time in Washington. And he was threatened with a libel suit in England – again, not in the U.S., but in England, because the Saudis are there – for essentially criticizing a certain middle easterner who he thought was supporting terrorism.

So it's a very important thing to help identify who is behind the money. And we heard before a lot of discussion looking into this, and it's not only necessarily by government, but individuals, who are susceptible to suit. And if they get sued, they have to hire a lawyer, and it can be very costly. Even if they win at the end, they may be bankrupt and everything lost. So it's a very pernicious tactic, and these are some examples of it.

But moving to the next slide, the federal government has actually decided to go and do something about it, and they passed a law called the Speech Act. It was sponsored, on the Senate side, by Sen. Leahy and Sen. Sessions. On the congressional side, at least the principal sponsor was Congressman Cohen from Tennessee. And basically, what it does is, it bars enforcement of foreign libel judgments that are not consistent with the First Amendment.

So I said before, Ehrenfeld has to worry, what if this libel judgment in England, they try to enforce it in the U.S. How could I stop it? So what they've done is they've passed this federal law, which is actually mirrored by legislation that was recently passed in four states, spearheaded, actually, by, again, Dr. Ehrenfeld.

And what the legislation says is, you've got a foreign libel judgment there on the left. You want to enforce it in the U.S.? You have to show that the legal principles applied in the foreign jurisdiction are as protective of free speech rights as the U.S. Constitution would be. And if you can't show that, it's not enforceable. Well, that's quite good and that mirrors, again, the legislation in the various states.

The federal legislation departs slightly, though, from the state legislation – I think it's just interesting to include this note – because it adds a second, alternate ground for recognition of the judgments. Even if you can't show that the legal principles applied in the foreign jurisdiction

were less – or even if they are less protective, rather – suppose they say, you know, well, England is less protective of free speech.

You can't show that it's equal. But even though it's not equal, even though it's less protective, still, you can enforce the foreign judgment if you can show that a U.S. author would have been found guilty in the United States anyway. So you can imagine a situation where the legal principles are less protective, as I've said about England, you know – lower standard, narrower public interest defense, burden is on the defendant – so the principles are not as protective.

But you can imagine a case where on particular facts, it could be that you would be found guilty – you, the U.S. author, would be found guilty in the United States. And so the federal law does, in a departure from the state procedure, say that there are alternate grounds, that either you can show that it's not as protective – but even if it isn't as protective, you also have to show that you wouldn't have been found guilty.

And I think that naturally – that effect is to weaken the state protection. It's only these four states. The rest of the states don't have – (inaudible). But in those four states, it's actually theoretically possible to have to go through an extra step, if you're a U.S. author, because you'll have to prove – instead of just talking about the broad principles, you have to get into the facts specifically related to your case.

And that's something that's been talked about and there are some questions that can be addressed very easily by just saying, this shouldn't pre-empt state law, that state law and these four states should control. The federal law will make it easier, but that's a longer discussion.

Q: (Inaudible) – a bill or a law?

MR. HUFF: This is a law. This passed – this citation is from Public Law 111-223. It was signed by the president just before the August recess.

Q: Okay.

MR. HUFF: But that doesn't mean they can't go back and amend it to add a “no pre-emption” clause, if they were so inclined, which exists in other legislation and is common. So it's not unusual. But moving to the next slide, there's a – I've said before that it's easier to do the end-run around the Constitution. However, that's not to say that you can't still intimidate your critics by suing them in the United States.

It's true that there are broad protections for free speech, but the high costs of defending these suits still make it an extremely important tactic. And I have a graph showing the skyrocketing cost of defending a libel suit. This is exclusive of damages. We're just talking about hiring a lawyer. And you can see the enormous increase, since 1985, to the current amounts.

So if someone gets sued doing this type of work, which is perhaps not particularly well-funded, and he's got to hire the lawyers and so forth, he may win on the technical principles because there was no "actual malice," or there was some exception. But until he gets to that stage, he's bankrupt. And the Saudis recognize this; others recognize this. And so they can essentially use this to stifle free speech, to stifle discussion and to prevent people from criticizing Saudis and their allies.

And I give two examples up there. One is Joe Kaufman, who is essentially an Internet journalist. He's based in Florida. He's not a big operation. He is criticizing the Islamic Circle of North America – this is an organization in Texas – saying that they have ties to various terrorist organizations. But at any rate, he gets sued, but not by this organization itself, but by seven other organizations that are not even mentioned in his article, but claim they are implicated by inference.

And I mention this to show you, sort of, the extent to which they're trying, really, just to intimidate him and the rest. Yeah, we weren't mentioned, but people might have thought we were – you had us in mind, because we were part of the same event, at which the Islamic Circle of North America, which was your principal target, was mentioned. So they tried to sue him. The thing dragged on and on.

Finally, the Texas Supreme Court let stand a lower court decision all the way back in January, 2010, basically saying that Kaufman was considered – even though he's only on the Internet – he's considered a regular journalist and he can avail himself of certain special protections under Texas law for traditional media defendants, like newspapers. But he said that, you know, this is a very long process, it was very costly. His opponents were well-funded; he was not.

Luckily, there are organizations like the Legal Project, which is a project for which I work, and David Horowitz's Freedom Center, I believe it's called, who helped to defray these costs. But if they had not done so, this information would not have been published – well, it would have gotten out the first time, but he would think a lot harder the next time. So there's a tremendous chilling effect that can be brought to bear on this issue.

There's a second example I give of the Islamic Society in Boston, and I think this is important, because this is not a small-time operation; this is a major news organization – the Boston Herald, FOX 25, the local affiliate there. They were looking into the Islamic Society of Boston's efforts to construct a mosque. Where did they get their money? How come they got the land from the City of Boston at a reduced rate? Various other questions.

Well, the ISB turned around and sued them, all for libel. And as soon as this happened, essentially, the major coverage by the major outlets stopped. They didn't need this kind of trouble. Now, ultimately, the suit was dropped, interestingly, in the discovery stage – before you actually go to trial, each side has to get documents from the other side – and none of the documents that – (inaudible) – had gotten from the ISB were sufficiently serious.

And the ISB said, hey, let's not take this any further, because you've got some information we'd prefer to keep to ourselves. So they dropped the suit, but this didn't happen for, you know, two years, you know, with the slow machinery of justice. So until this happened, the coverage was squelched and the story didn't receive the proper coverage. So again, another example of how you can still do these things in the United States because of the high cost of – (inaudible).

Moving to the next slide, what is the net effect of these things? And I won't go through all of this, but my point is, if you allow threats of force, threats of litigation and the legal process to stifle discussion of these issues, there's a number of things that are happening. And I think perhaps most important is that you're driving out the moderate message. And a good example of that is this reformist translation of the Quran.

This is essentially a more progressive translation focusing on more peaceful aspects of things and rejecting the more violent interpretations of various verses and passages. And it was all set to be published. People were very excited about it. And the – (inaudible) – Macmillan, who is a major publisher, they suddenly reneged, claimed that it wasn't suitable for publication. I think they were concerned, perhaps, about violence. But the bottom line is that they decided they don't want to put this out.

Well, what's the net effect of this? So the progressive message isn't disseminated and all people hear is that some radicals may be inflamed by this and do one thing or the other, so shut it down. And so no one ever gets to hear it. And it's critical that the moderate message be disseminated.

And what you do by ceding to the threats of force, by ceding to the threats of legal process, is that you're essentially dooming yourself to never be able to get these moderates, which everyone seems to agree are key to winning the battle here, out and disseminating their message. Because it's not the moderates that are making the threats; it's only the radicals.

So if you're ceding to threats, you're ceding to the radicals and you're stifling the moderate message. There are other examples of things that happened. I think the pending enforcements of – (inaudible) – you know, the case of Col. Hasan there, and he's killed all these people in Fort Hood. NPR did a report where, basically, people said, we thought he was a bit of a kook, but we didn't say anything because we were afraid we were insulting Islam.

So again, this is not a supposed threat of a libel suit, but if you create an air where people do not want to discuss issues of these things because they don't know and maybe they will be threatened with violence or maybe they will be threatened with legal processes. They just don't want to hear that they will be ostracized in their community for appearing to take a dim view of a particular strain of a religion.

And the net effect is, people die. So this is not a minor matter in the least. There are other examples, too, on the next slide from the academic world, from the popular culture. I did not know, until I started looking at these matters further, that in 2012, there was this major Hollywood film about destroying – a disaster epic, essentially. They destroy all sorts of

Christian symbols, Western symbols, but they didn't destroy that Kaaba, I think it's called, in Mecca – a sort of central stone that is of importance in Islamic culture.

And it wasn't that it didn't occur to them; they wanted to do it. But they were afraid of the fatwas, said the director. So essentially, he was intimidated. And it sort of seeps into the culture. It's not just academic writings or national security writings; we've seen it in popular culture. We, of course, had the case where – on Comedy Central, they censored this episode of South Park because it was depicting Mohammed in a manner in which they offended this group, Revolution Muslim, the person behind it being later, arrested and retained on, I believe, terrorism charges. But there are many effects to this.

And the question is, well, what is to be done? And there are a number of things that are going on, and they're set out here. In the United States, you have the Speech Act, and I explained one deficiency, but I thought overall, it's a very good bill. So that's just been passed, and hopefully, that will have some effect. On the other hand, it won't prevent suits from being filed in the first place or trying to execute enforcement in Europe against European assets.

But at least there will be some peace of mind for U.S. authors saying that we can get a judgment from a U.S. court that it's not enforceable. There's another thing: For suits in domestic cases, like the ISB case and the case against Joe Kaufman, you have pending – this is pending legislation – we had the question before whether it was passed or not. So the Speech Act's been passed, but the pending legislation is called anti-SLAPP.

And the purpose of that legislation is to essentially make it easier to dismiss libel suits that are just designed to silence free discussion early on, before they get to the expensive trial stage, which would be very important, because as I say, it's really the cost that's killing people, here. So if you can get rid of it early, all the better. That's the legislation that's been sponsored by Congressman Cohen that's pending. And we'll see what happens with that.

Now, there is also good news from England. The new government said that they are looking into reforming their libel law and they may have something ready by early next year. And to the extent that it happens, that will also help to prevent this effort with this libel tourism, this taking libel suits and suing people in England where it's currently easier to sue both for jurisdictional reasons, regions – (inaudible) – law.

And the last thing to – if all else fails, we have organizations like the Legal Project, the project that I direct, which provide legal and financial assistance to people who have fallen victim to libel tourism, two libel suits, people like Joe Kaufman who can't sue who say, I don't have a lot of money. Could you help us? Can you provide some financial and legal assistance? And we raise money toward that effort and we recruit lawyers who are pro bono in these cases, some of which drag on for quite some time that are very, very interesting.

We also work on a policy level as well, trying to talk about laws like the anti-SLAPP legislation, like the libel tourism links help publicize a problem and advocate for solutions. Thank you for your attention. I yield the floor. (Applause.)

MS. STERN: Finally, I would like to introduce you to our final speaker, Deborah Weiss, another attorney. Deborah Weiss works for Vigilance, Inc., a nonprofit organization dedicated to educating federal officials and the public of the nonviolent radical Islamist movement.

Ms. Weiss previously worked as an attorney for the Office of Corporation Counsel in New York City under the Giuliani and Bloomberg administrations and served as counsel for the Committee on House Oversight here in the U.S. Congress. Ms. Weiss is currently a regular contributor to FrontPageMag.com, the Washington Times, the American Security Council Foundation, American Thinker, and many others. Ms. Weiss is a survivor of the September 11th, 2001, attacks in New York City. (Applause.)

THE TRANSCRIPT FOR DEBORAH WEISS' SPEECH IS NOT AVAILABLE. A BRIEF OUTLINE OF THE SPEECH FOLLOWS.

The topic of the speech was "The Organization of Islamic Conference, Defamation of Religions, and Islamophobia."

Ms. Weiss commenced her speech with an introduction to the Organization of Islamic Conference (OIC): what it is, its background, sphere of influence and goals. This includes the OIC's goal to make illegal criticism of anything related to Islam.

Additionally, Ms. Weiss reviewed Saudi Arabia's role in the OIC including its ties to the OIC, its funding and influence over the OIC agenda.

Ms. Weiss examined two UN resolutions pushed and supported by the OIC. The first is the Resolution to Combat Defamation of Religions. Ms. Weiss provided excerpts and analysis of the text, discussed its passage in the UN General Assembly and the campaign waged by the OIC to pass it in the then-Human Rights Commission in the UN. She included extensive analysis of the role that "Islamophobia" played in the passage of the resolution, discussed the OIC summits, and the Islamophobia Bulletin. Additionally, Ms. Weiss stated that NGO warnings regarding the dangers of this resolution were ignored. Once the resolution passed in the Human Rights Commission, human rights violations related to Shariah law were precluded from discussion on the Human Rights Commission.

Eventually, the Human Rights Commission shut down, re-organized and re-opened as the Human Rights Council. Ms. Weiss listed the members of the new Human Rights Council and cited the arguments for and against America's decision to seek a seat on the Council.

The second resolution covered by Ms. Weiss is titled "Freedom of Opinion and Expression". This was drafted by the US and Egypt and introduced into the UN Human Rights Council in October of 2009.

Ms. Weiss again provided text excerpts and analysis of the resolution. She asserted that there are numerous problems with the resolution in its content, its goals, its possible interpretations, and its consequences. She provided numerous examples of how the resolution can negatively impact free speech related to Islam. She reviewed the dangers of such a

resolution eventually becoming international law and its potential to usurp the First Amendment of the United States Constitution.

In conclusion, Ms. Weiss explained the intent of the First Amendment and stressed the role free speech plays in preserving human rights and national security. She added that the concept of defamation of religion is a made-up idea based on false premises that should not be given credence. She noted that the OIC would prefer to shut down the debate rather than win its positions on the merits of its arguments.

Additionally, Ms. Weiss explained the gradual, incremental and insidious mechanisms that are chipping away at western freedom of speech. Ms. Weiss provided examples of freedom denied in Europe and other western countries which allegedly have free speech, but which are gradually implementing free speech restrictions. Through a thorough explanation of the process of gradual infringements on freedom, Ms. Weiss brought to life the urgent need to assert and protect our freedoms immediately and to stem anti-freedom measures before it is too late. In this context, Ms. Weiss included a discussion of US government agency lexicon, which already has guidelines to preclude language related to Islam.

Ms. Weiss analyzed how the notion of freedom of religion is being turned on its head for the purpose of stifling free speech on Islam-related topics. She commented that it is commendable to want to work with the OIC in a mutually respectful way. However, she pointed out that to the degree that the OIC defines respect as a demand to stifle the exercise of free speech, it should not be accommodated. In conclusion, Ms. Weiss acknowledged that if the tactics of the OIC are successful, they will have caused more harm to American freedom than did the events of September 11, 2001. (Applause.)