

Plaintiff's First Request for Production of Documents

- 24) Identify time, date and purpose of David Horowitz's visit's to any Arab or Muslim country in the last 35 years and names of individuals who accompanied you. .
- 14) Identify any and all private detectives, journalists, researchers who obtained information regarding the militant and political activities of Riad Elsolh Hamad and the source of the information
- 3) Religious affiliation of members of the board of CSPC, its affiliates and editors of Frontpagemag.org
- 14) Blood and urine sample of David Horowitz to a third party laboratory to identify his ethnicity and religious affiliations. Plaintiff will contact the attorney of record to arrange for the pick of the sample through the appropriate medical professionals. Please call or expect a call to arrange for the samples to be picked up.

Respectfully Submitted.

Riad Elsolh Hamad, pro se

[REDACTED]
Austin, Texas 78749
[REDACTED]

A Palestinian in Texas

My legal battle with a suicidal maniac provides
a case study for Islamist attempts at speech suppression.

By Daniel Pipes

Q ON APRIL 14, 2008, Riad Elsolh Hamad, 55, left his family's apartment in Austin, Texas, to get some prescription drugs. The immigrant from Lebanon and middle school computer teacher never returned home. Three days later, the police found his body, bound with tape, floating in nearby Lady Bird Lake, and concluded that "all signs indicate this may have been a suicide."

His family expressed that he had been under stress lately and even suicidal. And with good reason: The Federal Bureau of Investigation and the Internal Revenue Service had searched his house on February 27, 2008, when the FBI declared him a "person of interest" in a criminal investigation.

Despite this cloud around the dead man, local news outlets reported nothing but kind words and high praise for him. After Hamad's family issued a statement describing Riad as a "peace activist who worked tirelessly on behalf of those less fortunate than him and was loved and admired by many members of the local, as well as international...community." The press duly picked up on this moniker and regularly called him a "peace activist."

Television station KVUE quoted Joshua Howell, assistant manager at the office where Hamad had a postal box, recalling him as "always in a good mood. Never upset. Never even heard him say a harsh word about anybody." The principal at the school where he taught sent a letter to students' parents calling Hamad "a longtime and valued" member of the faculty whose "love and passion for education touched us all." At Hamad's memorial service, retired Episcopal priest Edward M. Hartwell praised "his humanitarian work to help the children of Palestine [as] some of the most creative and effective work that I know of."

Hamad himself had boasted of his peaceable approach to politics: "All of our work is very transparent. We don't work with any militant group or violent group, or anybody with a militant affiliation."

That was the Riad Hamad praised by family, friends, admirers, and even himself. But Hamad had another side, the one that brought the FBI to his house, that got him fired from Austin Community College for "making racist slurs and sexist jokes in the classroom," and that made him a foul and unwelcome presence in my life. Thanks to the recent testi-

mony by a former ally of Hamad who has turned against him, several years later, we now know something approaching his full story.

The Summons

HAMAD BROUGHT HIMSELF to my attention in early June 2006 by sending me, via certified mail, a summons to appear in court in Austin. The document bore scrawled, unkempt handwriting on a form issued by the U.S. District Court, Western District of Texas, informing me that Hamad was suing me and Campus Watch (a project of the Middle East Forum, which I founded) for libel.

This turned out to be the second amended complaint; I found myself in good company, as the summons also listed the Center for the Study of Popular Culture (now known as the David Horowitz Freedom Center), David Horowitz personally, the Center for Jewish Community Studies, the State of Texas, Joe Kaufman, Americans Against Hate, MilitantIslamMonitor.org, and an internet provider called CB Accounts. Hamad proceeded to file another three amended complaints, and in them he tacked on yet more defendants.

In compensation for this long list of alleged abuses, Hamad demanded from his many defendants \$5 million in compensatory damages, \$10 million for his loss of income, and \$50 million in exemplary and punitive damages.

His was a *pro se* summons, meaning that Hamad, a non-lawyer, had filled it out by himself and was representing himself and that it had cost him next to nothing to sue one and all.

Hamad charged each of us with 21 offenses, including libel and slander, defamation of character, interference with a business contract, invasion of privacy, fraud, and negligence.

In compensation for this long list of alleged abuses, Hamad demanded from his many defendants \$5 million in compensatory damages, \$10 million for his loss of income, and \$50 million in exemplary and punitive damages. Nor was that all: He sought a permanent injunction against our calling his business an “Islamic charity” or him person-

ally a “Muslim fundamentalist.” He wanted a Department of Justice investigation into us for “criminal and racketeering work as lobbyists for a foreign country [i.e., Israel] without the proper permits and licenses.” He also insisted on public apologies by us in 10 media outlets chosen by him.

Hamad gave insight into his mentality and motives in the course of his lawsuit. His discovery requests of David Horowitz are particularly colorful, including:

- Document the “Religious affiliation of members of the board of CSPC, its affiliates and editors of Frontpagemag.org.”
- Provide a “Blood and urine sample of David Horowitz...to identify his ethnicity and religious affiliations.”
- “Identify any and all staff of the Israeli embassy that David Horowitz and CSPC are associated with, amounts of money paid for their services by the Israeli embassy.”
- Answer whether “David Horowitz is a devout Jew [sic] and observes the Sabbath.”
- Answer whether “David Horowitz eats pork and violates Jewish traditions.”
- Answer whether “David Horowitz is not a Semite and pretends to be Jewish to gain sympathy for his views and make money.”

This summons came as a total surprise, as I had previously never heard of Riad Hamad. Sleuthing revealed only the slightest and most indirect connection between us: Hamad had created and headed an organization called the Palestine Children’s Welfare Fund (PCWF), and in a 2004 weblog entry, “Lamyaa Hashim, Supporting Burqas and Suicide Bombers,” I had quoted Joe Kaufman who alluded to PCWF as follows: “The site belongs to the medical director for the Palestine Children’s Welfare Fund, Rosemary Davis (Shadya Hantouli), and features a picture gallery of past suicide bombers.” That’s it. I quoted a few dozen words from someone who mentioned someone who worked for Hamad’s organization. For this glancing reference, my pro-rated share of payments to Hamad would come to about a million dollars per word.

What is the PCWF? The Israeli organization NGO Monitor analyzed it in 2003 and found its primary mission to be “propagating the delegitimization of Israel.” As a 2007 summary by NGO Monitor put it, “Gaza-based PCWF openly exploits children’s issues for radical politicized agendas that promote the conflict. These activities are entirely inconsistent with its claims to be a

humanitarian organization.” By way of example, NGO Monitor tells about a PCWF children’s drawing contest:

The judges rewarded, almost without exception, entries that featured fierce and violent hatred of Israel. The winning picture features a fire, in the shape of a map of Israel and the Palestinian Authority, consuming the Star of David with the word “Israel” written inside the flag. Another entry depicted a Palestinian flag dropping flames on an Israeli flag and burning Israelis standing next to it. Such activities serve only to advance a culture of violence and hatred.

The Lawsuit

HAMAD MIGHT HAVE BEEN A *PRO SE* plaintiff, but I could not take the chance of being a *pro se* defendant and so turned for representation to a law office that specializes in defamation issues. We responded to Hamad with a motion to dismiss on June 29, 2006, citing three grounds:

First, this Court lacks personal jurisdiction over Pipes and MEF. Neither Pennsylvania defendant has had any contact with Texas that would establish either general or specific jurisdiction.

Second, even if the Court had jurisdiction, plaintiff himself admits that his defamation claim is barred by the one-year statute of limitations because any alleged publication occurred “as late as July 2004.”

Third, plaintiff has not pled facts sufficient to allege that Pipes and MEF published any defamatory statements about him. Indeed, he cannot do so: Neither defendant has ever written a word about him or engaged in any action that would justify plaintiff’s hauling them into a Texas court.

My motion also noted that Hamad was a *pro se* plaintiff with a history of filing what one judgment against him (*Hamad v. Austin Community College*) called “patently frivolous” litigation efforts that “repeatedly abuse the legal system.”

Three days before this motion to dismiss, Judge Sam Sparks of the Western District of Texas had already dismissed with prejudice Hamad’s case against David Horowitz. On July 25, he dismissed the case against me and later awarded me court costs. For good measure, Sparks called Hamad a liti-

gant with “a history in this Court of filing lawsuits without merit for the purpose of harassment and making outrageous allegations.”

Undaunted by his failure to gain any legal traction, Hamad appealed. This prompted Judge Sparks to issue an even more vehement order on September 6 in which he characterized Hamad’s complaints as espousing “no legal theory for which recovery can be made against any of the multitude of defendants sued in this case” and dismissed his pleadings on the grounds that they were “not filed for any purpose and simply harass and cause unnecessary delay or needless increase in the cost of litigation.” Sparks again granted my motion to dismiss, agreeing with all three of my claims. He also ordered Hamad to pay me a \$1,000 penalty.

For a second time, Hamad responded belligerently, this time going public with his claims against us defendants. Talk about libel!

For a second time, Hamad responded belligerently, this time going public with his claims against us defendants. Talk about libel! He announced to the world on September 14 (including in a comment sent to the Campus Watch website) that we

are engaged in criminal activities and fraud upon the public by collecting donations amounting to tens of millions of dollars. The donations are being used to fund illegal activities in the United States and Israel and with the knowledge of the government of the United States and the judicial branch.

Four days later, Hamad sent out an appeal to his mailing list, stating that “closely linked” websites “are using false information and collection donations...to attack and discredit Arabs, Muslims” and asking for at least 1,000 people to call the office for Internet crimes belonging to the attorney general of Illinois.

Encouraged by the court’s attitude toward Hamad, I requested on October 6 that he be compelled to pay my court costs. On January 17, 2007, Judge Sparks delivered his final judgment and granted my request for fees totaling \$12,915. Sparks made clear his intense irritation with Hamad:

Plaintiff Riad Elsolh Hamad first filed this wholly frivolous claim on April 13, 2006. Since that time, his “Petition” has gone through five revisions. None of the five Amended Petitions was authorized by the Federal Rules or leave of this Court, and not one version of Hamad’s complaint states any claim for which relief can be granted under any law of the United States or the State of Texas against any defendant. The Court dismissed Hamad’s complaint with prejudice in its second incarnation in an Order dated June 26, 2006. Nevertheless, Hamad has continued to file Amended Petitions presenting claims for relief identical to the ones dismissed in the Second Amended Petition. Each Amended Petition merely drags yet another group of defendants into the same unintelligible morass of vitriolic accusations for which no basis in law has ever been established. Moreover, Hamad continues to name dismissed parties as defendants in his repetitive pleadings.

The next 14 months saw several more rounds of the same: Hamad appealing and all the judges turning down every aspect of every effort, culminating with a March 12, 2008, judgment by the 5th Circuit Court of Appeals slamming Hamad for his “ten year history of filing frivolous suits in this court.” The appeals court upped the award to me to \$32,944.50 in attorney’s fees.

As Gerald Steinberg of NGO Monitor noted, Hamad’s lawsuit “was a clear attempt to use the courts and intimidation to prevent independent analysis and exposure of the incitement by anti-Israel NGOs.”

The Search

BY EARLY 2008, however, Hamad had other and larger concerns on his mind. On February 27, the Federal Bureau of Investigation and Internal Revenue Service had jointly raided his house. Brandon Darby, a former leftist, anti-Zionist, and longtime friend of Hamad who now works for conservative causes and on behalf of Israel, has explained how this raid came to pass.

Darby, who had helped Hamad raise money and recruit “human shields” against the Israel Defense Forces—and who himself almost went to the Palestinian territories for that purpose—wanted to create a group, to be called Critical Response, to send medics into war zones such as Lebanon and Darfur to help civilians. Hamad

liked this idea, regaling Darby with plans to use the cover of medics to place explosives on motorcycles and booby-trap ambulances in Israel to kill Jews. Hamad also devised a plan using the PCWF to send money to Hamas and Hezbollah. Darby recounted at Breitbart.com:

Hamad had approached me and shared that he had been able to skim off money [from PCWF] that he intended sneak to Palestinian comrades in Israel. I asked him why he needed to sneak anything when he was able to send funds legally. He responded with a detailed analysis of all the ways suicide bombers could get through checkpoints and achieve their goals. I declined and he told me that I had fallen back into my white privilege, but would come back to the revolution soon.

This talk of violence, Darby wrote, caused him to rethink his relationship with Hamad. “I couldn’t sleep and I debated within myself if I should go to the FBI.” Learning from another left-wing activist about plans to set up “a fake business to help Hamad funnel money for Palestinians” then nudged Darby to confront Hamad. The two met for coffee. On hearing of Darby’s disapproval, “Hamad responded by saying it would be good for white people to get caught in the war on terror and that people would limit what the government could do if the war on terror had whites in Guantanamo instead of just Arabs.”

This settled matters. Darby, agonizing over his past actions—“wondering if my previous support and efforts for the Palestinian Children’s Welfare Fund meant I had blood on my hands”—became resolved to stop Hamad. “I ended up meeting with the FBI. They were kind and gracious. Hamad and the Palestinian Children’s Welfare Fund were raided.”

The search warrant focused on fraud, not terrorism, as indicated by the supporting financial affidavit:

RIAD ELSOLH HAMAD failed to file his federal income tax returns for the years 1999 through 2003 and 2005, evaded payment of his federal income taxes for the years 1999 through 2006, and is engaged in preparing false documents used to obtain federally subsidized loan from various University of Texas campuses. The affidavit will show that HAMAD earned taxable income from the Austin Independent School District (AISD). HAMAD also runs/operates the Palestinian Children’s Welfare Fund (PCWF) which he claims

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raises money for the children of Palestine. HAMAD sends large amounts of money to the Middle East and/or to charities that forward the funds to the Middle East. The disposition of these funds is unknown at this time, A large amount of these “donated” funds have also been traced into various stock accounts controlled by Riad Hamad and/or his son Abdullah Hamad.

An investigator with the Internal Revenue Service put the last part more bluntly: “Riad Hamad, with the assistance of his son, Abdullah Hamad, his ex-wife, Diana Hamad, and his daughter, Rita Hamad, are using the ‘donated funds’ for personal use and not paying federal income taxes on these funds.”

We lack a news account, but here is how Hamad himself reported the raid on his house: A dozen federal agents, armed with a search warrant based on probable cause to investigate wire fraud, bank fraud, and money laundering, “searched every nook and cranny” of his apartment and took away “more than forty boxes of papers, files, computers and CDs.”

The Suicide

After the raid, Darby recounted he received a cryptic phone call from Hamad, one that foreshadowed what was to come.

I heard from Hamad one last time. He called me and said it was “just a matter of time.” I asked what he meant. He told me of the raids and said they had taken all of his documents, and that I would know soon. He said he had to go and he did. His body was found in Austin, TX in Lady Bird Lake a few days later. He apparently chose not to face the consequences of his actions.

Even in death, though, Hamad perpetuated a fraud. First, he wrote a letter to his circle, creating the premise for violence against him (all spellings and ellipses exactly as in the original):

besides the government harassment, the hateful environment from some students at school because I am an Arab and a Muslim...and their racist comments, I have been getting phone calls around midnight by some one saying “where is your camel.” and last...a car was vandalized about two years ago...last night around 1 30 in the morning..someone rang the bell and ran away....and you could hear all the dogs in the

neighborhood barking when the person who rang the bell ran away...A real loving environment towards Arabs and Muslims....

(Reflecting back on his lawsuit, one sees the source of his fantasies about harassment, hateful environment, and racism.)

Second, evidence suggests that Hamad staged his death to make it appear that he was murdered when in fact he checked out on his own. Based in part on the autopsy, a police statement asserted:

When the body was removed from the lake, tape was found around the eyes, and the hands and legs were loosely bound. The bindings of his hands and legs and placement of the tape were consistent with Hamad having done this to himself. Detectives know that Hamad walked from his vehicle to the water on his own based on evidence retrieved from the scene.

At this time, the Austin Police Department does not suspect foul play was involved. Witnesses and family members have confirmed with police that Hamad had extreme stressors in his life. This incident is still an ongoing investigation, but all signs indicate this may have been a suicide. According to the preliminary results from the Medical Examiner’s Office there were no signs of trauma to the body or signs of a struggle.

Even Paul Larudee, Hamad’s colleague and the last known person to speak to Hamad before his death, says that Hamad “did take his own life but he took it with a view of fueling the speculation that has in fact accompanied his death.” Translation: He wanted it to appear like a hit job. Despite his skepticism about Hamad’s demise, Larudee insists “I still think he was a hero.”

The Conspiracy Theory

PALESTINIAN EXTREMISTS, Islamists, leftists, and assorted conspiracy theorists accepted Hamad’s fakery. According to Ibrahim Dremali of the Islamic Center of Greater Austin, who says after an autopsy he washed Hamad’s body, which was “cut all from the right shoulder all the way to the stomach, and from the left shoulder all the way to the stomach again, and from the stomach all the way to the bladder...from all the back of his skull is completely cut, is empty completely, empty....His wrists were all slit open and cut....His eyes actually dropped all

the way down....It is a barbaric act....Like somebody is eating the body....This is a message for all Muslims.” Dremali said it appeared as “something in the jungle, an animal attacking another animal.”

Kurt Nimmo, a prominent conspiracy theorist, asked “Is it possible a neocon hit team or as likely a Mossad ‘bayonet’ team took out the school teacher Riad Hamad?” Radio host Alex Jones and others spoke ominously of Israeli hit teams surveilling Hamad’s house. Some even accused “sociopathic FBI informant Brandon Darby” of killing Hamad. A Twitter site (riad_hamad) keeps these theories alive almost five years later.

In contrast to these lurid accounts, the Travis Country medical examiner, David Dolinak, who inspected Hamad’s body on the morning of April 17, found nothing alarming. Quite contrary to Dremali’s description of the body being variously cut up, the medical examiner reporter found little to report:

IDENTIFYING MARKS AND SCARS:

A 10 inch vertical scar is in the lateral aspect of the right thigh. There are no tattoos.

EVIDENCE OF THERAPY: [meaning needle puncture marks, surgical stitches, etc.]

None.

EVIDENCE OF INJURY:

None....

BODY CAVITIES:

The organs are normally developed and are in their normal locations. The diaphragms are intact. There is no fluid accumulation in the pleural cavities or the pericardial sac. There is no fluid accumulation in the peritoneal cavity. There are no pleural adhesions or abdominal adhesions.

HEAD:

There is no subscalp blood extravasation. The calvarium is intact. The dura is intact. There is no epidural or subdural blood....

MUSCULOSKELETAL SYSTEM:

No fractures of the clavicles, sternum, ribs, vertebrae, pelvis or extremities are detected.

Dolinak concluded that he saw “No evidence of traumatic injury,” and that Hamad “died as the result of drowning.”

Conclusion

HAMAD DIED AS HE HAD LIVED, in a miasma of hate and duplicity. Darby informs me that “Riad publicly claimed to be a Christian but when he

died it became evident that he had been lying and was actually a Muslim.” We, the victims of his lurid and manic lawsuits, never saw a dime of the money he owed us. His embezzlement and skipping on taxes having caught up with him, he perpetrated his final and grandest fraud—a pretend murder. Not surprisingly, his venomous Palestine Children’s Welfare Fund is now defunct, reduced to a homepage plaintively stating that “PCWF website coming again soon to carry on some of the great work of Riad Hamad.”

When the body was removed from the lake, tape was found around the eyes, and the hands and legs were loosely bound. The bindings of his hands and legs and placement of the tape were consistent with Hamad having done this to himself.

Some observations about Hamad: First, the lofty praise for this wretch would make one think him a decent man, pointing to how political sympathy creates blinders. Second, even as he lived in the civilized quiet of Austin, Texas, Hamad contaminated his adopted home by importing political nihilism from the Middle East. Third, I may be out nearly \$33,000 in court costs, but it was not all lost; Hamad’s legal assault inspired me to expose this malign excrescence of anti-Zionism. Finally, if one truly is judged by the quality of one’s opponents, we who defend Israel are thriving.

Most Muslim immigrants are law-abiding and constructive citizens in the West. But Hamad’s case fits into a persistent pattern of immigrants who bring with them the bad habits imbued by tyrannical politics and radical ideologies. Combining Islamic supremacism with nihilist disdain, they despise all that is non-Muslim, import a mélange of extremist ideas, and feel free of moral constraints. Consequently, they engage disproportionately in antisocial behavior, criminal activities, and terrorism. Reluctantly, I concluded almost a decade ago that “Muslim visitors and immigrants must undergo additional background checks.” I reiterate this now, lest more Riad Hamads be allowed in. 🇺🇸

Daniel Pipes is president of the Middle East Forum.