

# EXCLUSIVE IPT INVESTIGATION UNCOVERS HLF JURY ROOM BULLYING

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**DALLAS** – She felt the men were guilty and tried to explain why to the 11 other jurors. When she finished, one juror spoke up in an angry tone.

"If you're going by the evidence in this room," she recalls him snapping, "then you need to go home."

The terrorism-support trial of five Holy Land Foundation for Relief and Development (HLF) officials, which began July 24, already had been stressful for 49-year-old Kristina Williams. She had lost her job two weeks into it. Now during deliberations, she felt bullied and intimidated virtually every time she voiced an opinion.

"When I'd get off the jury I'd come home every night and basically cry because I felt like every time I spoke I would get knocked down, criticized, one way or the other for something pertaining to the way I voted," Williams said in an exclusive interview.

While several jurors favored acquittals, just one out of the 12 did most of the knocking down. In fact, interviews with three HLF jurors - speaking publicly for the first time - suggest that juror William Neal's stridency may have changed the trial's outcome. Neal even claimed credit for steering jurors away from convictions in a recent radio interview. Until now, he has been the sole source for public perception of the deliberations and the government's case.

The three jurors interviewed by the Investigative Project on Terrorism (IPT) showed the Neal-created perception as skewed. All three jurors say they disagree with his views of the evidence and the prosecution's case. To them, it seems clear that Neal made up his mind going into the jury room and refused to consider any argument in favor of guilt. He preferred to read the court's instructions rather than look at exhibits in evidence, they said. And his often snide manner intimidated and bullied those who disagreed with him.

The effect this had on the case is clear. When a juror walked out in frustration after just four days of deliberations, it followed a confrontation with Neal. When another juror briefly refused to cast a vote, it was after a confrontation with Neal. Williams broke down several times during the 19 days jurors spent locked in debate. Each incident followed what she felt was an attack by Neal.

In an interview with the IPT Dec. 3, Neal said he had no regrets. He disputed only some parts of the other jurors' stories – he said he can't remember telling Williams to go home if she was relying on the evidence in the jury room -- but stopped short of saying it didn't happen.

"We had so many conversations they tend to blend together," he said.

The defendants were accused of illegally routing more than \$12 million in support to the terrorist group Hamas through a series of charities, known as zakat committees. Prosecutors said those committees are controlled by Hamas. Defense attorneys argued HLF simply helped out Palestinians living in desperate poverty and provided support to widows and orphans regardless of whether they served Hamas.

Interestingly, Palestinian Authority President Mahmoud Abbas effectively sided with prosecutors recently by claiming he was [closing down 92 charities](#) he said had been taken over by Hamas.

The HLF trial ran for six weeks. Then jurors deliberated 19 days. One defendant, Mohamed El-Mezain, was acquitted on all but one count against him – participating in a conspiracy to provide material support to Hamas. Jurors did not reach a unanimous verdict on that count and El-Mezain is facing a retrial for conspiracy.

Initially, it appeared others had been acquitted on multiple counts, but then two jurors stunned the courtroom: When U.S. District Judge A. Joe Fish polled the jury, a standard practice, Williams and a juror named Gail said they did not agree with the verdicts. Curiously, Neal joined them, later saying he wanted deliberations to continue. He believed jurors gave up too soon.

Judge Fish was left with no choice but to declare a mistrial, and did so Oct. 22. Attorneys on both sides are gearing up for a second trial in 2008.

### **"The jury room was a mess"**

Williams describes a factionalized jury room, with those favoring guilty verdicts trying to explain their reasoning only to have those favoring acquittals shoot them down. Many times, jurors could not agree whether evidence was useful to them. Williams pointed to some that she thought was. When she did, she said Neal snapped back: "Go back to sleep, you're not important."

Another time, Williams and other jurors thought it would help to view photographs copied onto a videotape in evidence to see who had attended a pivotal meeting on scuttling Middle East peace hopes. Neal argued it was a waste of time and talked the group out of it.

That's because videotapes sometimes covered hours, Neal said, and jurors had no way to pinpoint the 30-second segment they were shown during the trial.

A second juror corroborates Williams' account. That juror spoke to the IPT only on the condition that the juror's name is not used. The juror didn't care if the defendants knew it. Neal, however, was someone the juror did not want to deal with again.

A third juror, Sylvester Holmes, also spoke publicly for the first time in an IPT interview. He and his two colleagues agreed that their arguments for conviction were dismissed out of hand. Sometimes they were told "that's not evidence." Other times, the argument didn't meet Neal's interpretation of the court's instructions. Or, he simply repeated arguments offered by defense attorneys.

The three jurors interviewed were far from agreement on the verdicts. Holmes believed in guilt on all counts. Williams could not convict on charges involving some specific transactions but felt all five defendants were guilty of conspiracy to support Hamas. The unnamed juror who spoke with IPT was convinced only HLF executive director Shukri Abu Baker and Chairman Ghassan Elashi were guilty of conspiracy. But all three say that Neal bullied and intimidated those who disagreed with him, stifling true discussion of the case.

"He took control of that jury room," Holmes said. "You just look at the case. The jury room was a mess."

Among the examples cited:

- Arguments for conviction met with immediate scorn and ridicule. At times, Neal raised his voice, cursed or otherwise belittled them for what they said. A handful of jurors called for an immediate break after he hollered "f\*\*\* your opinion" to a female juror.
- Williams said she felt pressured by a majority of jurors into voting to acquit defendant Mufid Abdulqader. To them, Abdulqader was a bit player with no control over HLF money. Later, however, Williams said she saw receipts showing HLF paid Abdulqader's travel expenses to attend a fundraiser. Already convinced there was a conspiracy to support Hamas, she decided that Abdulqader was a part of it. But the other jurors refused to let her change her vote on conspiracy counts, saying Abdulqader's verdict form

already had been signed and put away. Deliberations continued for at least another week after Williams' request was rejected. That's what prompted her to speak up when the judge polled the jury.

- In a case featuring more than 80 videotape and audio recordings, jurors did not watch one video or listen to one tape during the 19 days of deliberations. Those who wanted to examine the exhibits were told it was a waste of time and printed transcripts were sufficient.

It is in this context that one juror named Gail refused to vote several days into deliberations. "People kept saying not guilty because they kept saying there was no evidence," the unnamed juror interviewed by IPT remembered about Gail. "She'd seen evidence herself and she felt they weren't taking the time to look at the evidence. They kept saying there's no evidence and she just got tired of hearing that."

Williams agreed that the juror named Gail just gave up at that moment. "She said 'I'm just tired. I'm just ready for this to be over with.'"

Holmes got so frustrated that he walked out, forcing deliberations to start over when an alternate took his place. That deprived those favoring a guilty verdict of an ally. He [wrote to the court](#) saying he did not "feel that I can give the defendant's (sic) justice. Due to the circumstance in this case, I ask to be dismiss (sic) for this case."

Holmes, a supervisor at a recycling plant, said he thought all the defendants were guilty but saw no point in arguing further. "I felt they were wasting my time," he said.

### Neal's Account of the Deliberations

Neal, a graphic artist, apparently felt the same way about others wasting his time. He was interviewed by Dallas radio and television stations within days of the trial and by the *Dallas Morning News*. Thus far, his assertions have provided the only detailed insider assessment about the prosecution case.

Neal made his disdain clear two days after the mistrial in an interview on Dallas radio station KRLD.

"A lot of the jurors couldn't even say words that had four syllables," Neal said on the *Ernie and Jay* show on KRLD 1080 AM. "They just picked the jury based on socio-economical reasons. A lot of these people are blue collar, you know, working UPS, working food, cafeteria cashier. You had people [from] secluded lifestyles. They had no idea of the Palestinian-Israeli conflict. They had no idea about worldly affairs. To get them and you show them bombs and show them kids – that's not our lifestyle so we've got to vote them guilty because of that. That's the whole reason."

The *Dallas Morning News* noted Neal "also had difficulty calling Hamas a terrorist group. 'Part of it does terrorist acts, but it's a political movement. It's an uprising.'"

He reinforced that assessment in the IPT interview, saying he read the Hamas charter twice during deliberations. "They haven't always been a bombing kind of group," he said.

Hamas' first actions involved shootings and stabbings. Its preamble to the charter includes this: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."

So, to Neal, what is Hamas?

"It is marked as a terrorist organization. My personal viewpoint, I didn't know too much before. I see it as a political struggle. Our country was founded on a terrorist act. The Boston Tea Party wasn't a tea party, dude. It was a rebellion against the king's wrath. They fought back against an oppressive government."

He argues that prosecutors never proved that Palestinian charities, the zakat committees, were controlled by Hamas. HLF routed its money to the committees. Absent that proof of Hamas control, Neal reasons, the

defendants can't be convicted. Within hours of the mistrial, he told reporters the government's case "was strung together with macaroni noodles."

"There were so many gaps in the evidence, I could drive a truck through it," he told the *Morning News*.

That, the three other jurors interviewed said, was not the case. Neal simply refused to consider it as valid evidence. Even at the end, a majority favored convicting Baker and Elashi, Williams and the unnamed juror reported.

## The evidence

There wasn't one single exhibit that swayed the jurors interviewed. Rather, each placed exhibits in the broader context of statements and activities by the defendants. Baker, they said, was shown to have lied repeatedly about his attitude toward Hamas. The defendants privately discussed Hamas activities, from a bombing that defendant Abdelrahman Odeh described as ["a beautiful operation,"](#) to the 1997 arrests in Brooklyn of three alleged Hamas members accused of plotting another bombing.

Williams was struck by transcripts of a secret gathering of Hamas members and supporters in Philadelphia in 1993. They met in the wake of the Oslo peace accord, which they feared threatened to marginalize Hamas politically and which eventually could lead to a peaceful settlement to the Israeli-Palestinian conflict, which they opposed.

At one point, Shukri Abu Baker tells the others ["war is deception."](#) That, combined with other false statements, swayed Williams.

"That was pretty intense for me, that, why would he say that? I know he said it at the Philadelphia meeting. And if it's a charity set up, then why is he saying that? And plus there was Hamas leaders there, and they showed tapes of Hamas leaders," she said.

A [January 1995 call](#) from Abdelrahman Odeh to fellow defendant Mohamed El-Mezain entered into evidence at the trial stuck with the unnamed juror. Odeh wanted to alert El-Mezain about a Hamas bombing. El-Mezain hadn't heard about it yet and could not understand the radio report Odeh played over the telephone.

"What is important is that they carried out an operation," Odeh said. Eighteen people were dead and 60 others injured. Odeh [called El-Mezain again](#) a little more than a year later to report Yehya Ayyash, the infamous Hamas bomb-maker known as "the Engineer," had been killed by the Israelis.

Then there was evidence introduced at trial concerning fundraising conference calls HLF organized in which speakers repeatedly praised Hamas. In January 1997, [one such call](#) featured Mohamed Siam, a prominent Hamas member, and Muslim Brotherhood leader Kamal al-Hilbawi. Hilbawi praised "the steadfast" and named Hamas spiritual leader Sheik Ahmad Yassin, the Hamas bomb-maker Yehya Ayyash and Hamas founder Mousa Abu Marzook as those helping the Islamic world move "from weakness to strength and to the love of martyrdom."

"A legitimate foundation wouldn't do that," the unnamed juror said. But those favoring acquittal argued that HLF officials were not the ones who made the comments even if they were the ones benefiting from the money raised.

"They're the ones who brought these people in and who let them talk in raising this money," the juror said.

The juror also was struck by [a 1997 conversation](#) admitted as evidence between Baker and Elashi, in which they discussed the Brooklyn arrests of three men alleged to be plotting a Hamas-connected bombing in the United States. Baker insisted that the suspects had nothing to do with Hamas, whatever they had done; adding that

Hamas leader Abel Aziz Al-Rantissi had already issued a denial.

Still, Baker expressed concern that the incident could be damaging:

Sh: I just wanted to tell you because it seems that *whoever*, the guy in New York, this dog, tried to tie it to parties... Don't be surprised if the *fabrication* gets bigger than that. They would keep on publishing confessions that...er, which are nonsense. They cannot get us by law, they will try to get us by fabrication, man.

The unnamed juror found that incriminating, wondering why Baker and Elashi would be so concerned about Hamas being falsely blamed for a plot if Baker and Elashi had nothing to do with the organization.

Neal saw that call differently. To him, the call had no significance because between references to the Brooklyn arrests, Baker and Elashi spent several minutes discussing a van Elashi wanted to buy. That section may not have been read to jurors in court. But when he read it during deliberations, Neal accused prosecutors of trying to misrepresent defendants' statements.

"...[T]hey left [that] out conveniently to show the other side of the fence," he told WFAA television. "Take one sentence that says Hamas. Well did you know they were talking about a van in the two sentences before that? No because you just completely want to talk about Hamas."

In his interviews, Neal expressed deep skepticism of virtually every aspect of the government's case. He believed little, if anything, of what he heard from prosecution witnesses. Expert witness Matt Levitt wasn't credible, in Neal's view, because he had testified in a series of similar trials. Levitt has extensively studied Hamas' infrastructure and tactics and authored the book, *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*.

And Neal believed nothing he heard from an Israeli intelligence officer who testified under a pseudonym. "Avi" provided evidence Israel seized during raids of HLF offices in the West Bank and explained how some zakat committee officials were tied to Hamas.

"So you've got this guy who works for the Israeli government, who's gonna name names. That's his job. His job is to find Palestinians who are Hamas or troublemakers or whatever. I expect him to name names. He admitted in open court that he's being paid to be here. So that's completely biased. All the prosecution witnesses were all biased because they've been doing this for 13 years," Neal said on the *Ernie and Jay* show.

In the IPT interview, he questioned why Hamas was designated a terrorist group.

"The Israeli government is one of our friends. It's a close ally and a lot of our political actions go in favor of Israel. If they'd have been in favor of the Palestinians we wouldn't be hearing about these things. There was probably a lot of pressure" on the United States to designate Hamas as a terrorist group and pass legislation outlawing transactions with it.

Defense arguments, in contrast, were embraced by Neal. He used them to rebut Williams when she put stock in [a videotape](#) exhibit that she said haunted her during the trial. It showed a skit in which defendant Mufid Abdulqader portrayed a Hamas member who kills an Israeli police officer. The skit was performed at a fundraiser for the Islamic Association for Palestine. The IAP, like HLF, was part of the Muslim Brotherhood's "Palestine Committee," which prosecutors say worked to benefit Hamas.

"I am Hamas, O dear ones," Abdelqader said. "And I am Hamas, O dear ones. In midst of fire, they throw me. And I am Hamas, O dear ones. In midst of fire, they throw me. I swear to wipe out the name of the Zionist. And protect my land, Palestine. And you must get out."

Neal dismissed the skit as meaningless. It was an exercise of free speech, he said, echoing defense attorneys.

But to Williams, it showed knowledge of the ultimate objective.

"He's doing a skit raising money for the committees but he's doing it as a Hamas terrorist. If you're raising money, I wouldn't think you would be making Hamas look good. You would try to be helping the charities for the poor Palestinians that are poor and lost their loved ones or are under whatever circumstances whether they're martyrs or innocent bystanders."

When defendant Abdelrahman Odeh singled out the son of a slain Hamas bomb-maker for support, Neal told jurors who found that incriminating that they were wrong. The child shouldn't suffer because of the father's sins, he said, again repeating a defense argument.

Williams and the unnamed juror argued it wasn't about the child; rather, the fact that Odeh made a specific request to support the son of Hamas martyr Yehya Ayyash was telling.

"I don't know why Ayyash's kid was so important," Williams said. "Odeh made it a point of saying 'This is who I'm going to support.' He didn't hide the fact that he supported Ayyash. And it was obvious Ayyash's son was the son of the major bomb maker of the Hamas."

To Neal, the specific nature of Odeh's action had no deeper significance. "It shows he's supporting an orphaned kid who happens to be the kid of a Hamas bomb maker. It's their religion to give to charity," he said. He seemed to view each exhibit in isolation, refusing to connect it with other evidence that might show a pattern of behavior.

After the mistrial, Neal told WFAA television the other jurors lacked sophistication and accused prosecutors of manipulating their credulity.

"If you're ignorant or you have no idea about any culture or you have no idea about a certain way of life or you don't know that Hamas was once a political – and it still is a political figure – you know, they still do political things. And if you're going to sit there and show bomb belts, and you're going to show what they're doing to the, you know, in their homeland – why didn't they show us what – I know it's not important in the case but at the same token you could show what Israeli people are doing to Palestinian people," Neal said.

In one interview, Neal indicated prosecutors may have falsely believed he would be sympathetic to them. His father works in the military, he said on the *Ernie and Jay* show.

"My answers [to the questionnaire] looked like I was a pro-American, you know, flag-waving American. I mean, I am, but they thought I was not going to be able to think for myself and just go on the facts that these were Muslims and these were, you know some of the defendants were not American citizens."

Neal told the IPT he went into deliberations with no opinion and wanted to see where the evidence took him. The other jurors never knew how he was voting on secret ballots, he said. Neal told interviewers it was the other jurors who had their minds made up before deliberations started, that it was their refusal to budge that dragged out deliberations.

That's just wrong, the anonymous juror said.

"If he believed not guilty across the board, if he wanted to talk about the case, that was fine. But he shouldn't have said stuff that wasn't true," the juror said. Asked to clarify, the juror said, "He talks a lot about people not changing their minds. I changed my mind throughout the deliberations on several defendants. I guarantee you he never changed his mind throughout. He was at not guilty from the time he sat in there."

Williams, Neal said, was often confused and disorganized. In his view, she "was there for the check," he said on *Ernie and Jay*. "She lost her job during this case so she was there for vacation and checks. She was



flim-flamming all over the place."

### **Kristina Williams**

In court, Williams says, she paid close attention. She filled three binders with notes from testimony and exhibits. Under the court's direction, she wasn't allowed to read from those notes during deliberations, but they did help her remember certain points and find exhibits from dozens of boxes stuffed into the jury room.

On Thursday, Oct. 18, jurors came to an agreement that further deliberations were pointless and they notified U.S. District Judge A. Joe Fish. There were unanimous decisions on some counts, deadlocks on others.

Fish was out of town and the verdict forms, indicating acquittals for defendants Mohammed El-Mezain, Mufid Abdulqader and Abdelrahman Odeh, were sealed until Fish returned Monday morning. Then, as is standard practice, the judge polled the jury – asking each whether they agreed with the verdicts.

Williams stunned the courtroom and her fellow jurors by saying no. She had already [written to the court](#) that morning asking whether they would be polled. If not, "I would like to give my statement while the court reporter is there," she wrote.

She said she had succumbed to pressure in voting to acquit Abdulqader on the conspiracy counts. Later, she recalled, she found evidence she felt proved his guilt on conspiracy.

"They [other jurors] said, 'We've already voted on him. We can't go back and change our vote,'" Williams said. On this point, Neal agrees with Williams' account.

Fish initially sent jurors back to see if more deliberations were possible. Williams said several other jurors were angry with her. "The foreperson was very embarrassed that it came to this. And I come out and I told them, 'I told you I found some evidence on Abdulqader but you guys didn't want to hear it.' I says 'I told you I wanted to change my vote to guilty and you told me we couldn't do it ... I told you I didn't like my vote when we voted.' They told me, 'Krissy just shut up and go back to sleep.'"

Williams denies ever sleeping during deliberations. There were times, she said, when she closed her eyes due to tension or fatigue, but she stayed awake. The unnamed juror said it did appear Williams dozed off a few times, but that came in "periods of silence" when jurors were waiting for someone to dig out an exhibit.

Other jurors disagreed with her on the case, Williams said. But they did so without attacking or belittling. For those jurors, Williams said, the evidence simply fell short. They were not sufficiently convinced that the zakat committees were part of Hamas.

Williams was convinced, pointing to a [1991 letter](#) introduced at the trial that was addressed to defendant Shukri Abu Baker. It listed the committees and detailed which were "ours" and how many representatives worked there. Some jurors dismissed the letter due to its age, but Williams looked at it in conjunction with the testimony of "Avi" and FBI agent Robert Miranda. She felt their testimony further tied zakat committee members and HLF guest speakers to Hamas.

In some cases, Miranda was able to show the speakers' telephone or fax numbers traced back to known Hamas offices. For example, at least seven speakers used by HLF to raise money had the same telephone number as Hamas spokesman Ibrahim Ghosheh. Miranda found the number on a [1995 letter](#) Ghosheh had written to U.S. Sen. Orrin Hatch protesting American detention of Hamas political leader Mousa Abu Marzook.

It seemed to Williams that, short of a check written from HLF directly to Hamas, jurors were not going to convict.

"These people were smarter than that to just come out and write the word Hamas on a check. I think they knew what they were doing," she said. "They were just smarter than that to be that obvious that they were supporting Hamas. Some of the jurors, they wanted to see the word Hamas on a check. Sure, I would have loved to see Hamas on a check. It's just realistic. I think these people were just that smart."

The 1991 letter listing zakat committee connections was contradicted by other exhibits, Neal said. Oftentimes those documents were undated, making it impossible to determine when those whom HLF considered "ours" were present. Agent Miranda's testimony was barely discussed, he said.

### **The Common Thread**

When things got heated, the one constant was Neal's involvement, the three other jurors interviewed say. Williams remembers one confrontation that prompted other jurors to demand a break to let tempers cool. A woman juror was going toe to toe with Neal, Williams said. At one point, she explained something and said "that is my opinion."

"Well f\*\*\* your opinion," Neal hollered back at her.

That tenor made it difficult on some days for her to commute to court from her home about 25 miles south of Dallas, Williams said. "There were just some days where I just didn't want to go in because of one juror and I wasn't the only one who felt that way."

All disputes aside, there is one comment from Neal on which all the jurors might find agreement: "Honestly," he said on *Ernie and Jay*, "if I hadn't been on that jury this would have been a different case."