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WORLDNETDAILY EXCLUSIVE

**LAW OF THE LAND**

**Will 'legal jihad' silence online critics of Islam?**

**Court wades into brewing battle over rights of Internet journalists**

Posted: July 04, 2009  
7:00 pm Eastern

By Drew Zahn  
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When [Internet](#) journalist Joe Kaufman wrote an article exposing terrorist connections in two American Muslim groups, he was sued by a swarm of Islamic organizations, none of which he had mentioned in his online article.



Joe Kaufman

The technique is called by some "legal jihad" or "Islamist lawfare," and the [Thomas More Law Center](#), which is representing Kaufman in the lawsuit, claims Muslim advocates are using the strategy to bully online journalists into silence.

"The lawsuit against Kaufman was funded by the Muslim Legal [Fund](#) for America. The head of that organization, Khalil Meek, admitted on a Muslim radio show that lawsuits were being filed against Kaufman and others to set an example," claims a Thomas More statement on the case. "Indeed, for the last several years, Muslim groups in the U.S. have engaged in the tactic of filing meritless lawsuits to silence any public discussion of Islamic terrorist threats."

The organizations suing Kaufman also sought to legally deny him certain legal protections granted to traditional journalists, claiming that as an Internet writer, his right to seek a quick and inexpensive dismissal of the case didn't apply.

The case set up a battle, not only between Islamic advocates and those that would question their political connections, but also between organizations that fly low under the mass media's radar, enjoying little public scrutiny, and the burgeoning field of Internet journalism that often investigates places the mainstream media ignores.

In an unanimous decision from a three-judge panel of the Texas Second Court of Appeals, however, not only did the court rule that the Muslim organizations had no basis for claiming defamation – since Kaufman

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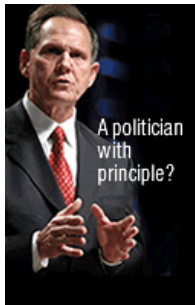


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didn't name or point to them in his article – but the judges also declared that online journalists do merit the same status and legal protections that their more traditional media peers enjoy.

Though the case against Kaufman is therefore dismissed for now, the Law Center reports the seven Muslim organizations have filed an appeal, continuing their quest for, according to court documents, "injunctive [relief](#) related to Kaufman's existing and future Internet publications."

*(Story continues below)*

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As WND reported, Kaufman's troubles began when he wrote [an article](#) for the online FrontPage Magazine in 2007, criticizing two Islamic groups for hosting a "Muslim Family Day" at [Six Flags](#) over Texas, a Dallas-area [amusement park](#). The Islamic Circle of North America and the Islamic Association of North Texas, Kaufman revealed, had funneled money to the Muslim Brotherhood, Hamas and al-Qaida.

"While using images of cartoon characters and sponsoring events at amusement parks may seem innocuous, the danger that the Islamic Circle of North America poses to the United States, [Canada](#) and others is clear," Kaufman wrote. "As a faction of the Muslim Brotherhood, the organization looks to impose Islam on Western society, and as a donor to a terrorist organization, the group is a willing participant in the act of violence."


And while neither the ICNA nor the IANT claimed libel, seven other Muslim organizations – the Islamic Society of [Arlington](#), Texas, Islamic Center of Irving, DFW Islamic Educational Center, Inc., Dar Elsalam Islamic Center, Al Hedayah Islamic Center, Islamic Association of Tarrant County and Muslim American Society of Dallas – cried foul, bringing the defamation suit against Kaufman.

Richard Thompson, president and chief counsel of the Thomas More Law Center, commented, "This frivolous lawsuit is an example of the legal jihad being waged by radical Islamic organizations throughout our nation. These lawsuits are aimed at stifling the free speech rights of Americans who dare to expose their agenda. They intentionally file lawsuits to intimidate reporters who seek to expose their agenda. By making it costly to defend against their lawsuits, they hope journalists will refrain from writing about the threat to our nation."

The opinion of the court, written by Justice Terrie Livingston, overturned a lower court's denial of Kaufmann's motion to dismiss the libel claim before a time-consuming and expensive trial.

Listing seven different reasons for the court's decision, Justice Livingston wrote, "We conclude that an Internet author's status as a member of the electronic media should be adjudged by the same principles that courts should use to determine the author's status under more traditional media."


The court did not, however, uphold that all Internet writers – such as bloggers – should be afforded the protections traditional journalists



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Kaufman, the court noted, has written for a variety of national publications since 1995, has appeared on several television [news networks](#) and in writing for FrontPage Magazine, was writing for a separate online news source with the freedom to accept or reject his article.

The court concluded, "We believe that these facts and circumstances, establishing Kaufman's journalistic background and his notoriety outside of the parameters of the article and graphic at issue and FrontPage Magazine's broad readership and its existence as a news/commentary medium that is independent from Kaufman's articles, are sufficient to qualify Kaufman as a member of the electronic or [print media](#) and to qualify FrontPage Magazine as an electronic or [print](#) medium."

Furthermore, the court ruled, that the Muslim organizations' contention that an Internet author could "never" qualify as a member of the media "would make as little sense as an inverse rule that a print author (such as someone distributing their own photocopied musings) would always qualify as such."




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*Drew Zahn is a news editor for WorldNetDaily.*



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