



PRESS RELEASE

For Immediate Release

Contact: Richard Foltin, exec.dir@aajlj.org

AAJLJ URGES SUPREME COURT TO UPHOLD ABILITY OF AMERICAN VICTIMS OF FOREIGN TERRORISM TO SUE OVER “PAY FOR SLAY” PROGRAM

Washington, DC, February 12, 2025... The American Association of Jewish Lawyers and Jurists ("AAJLJ") has joined an amicus curiae brief filed in the U.S. Supreme Court in the cases *Fuld v. PLO* and *U.S. v. PLO*. These cases concern the ability of American victims of foreign terrorism to sue the Palestine Liberation Organization (“PLO”) and Palestinian Authority (“PA”) in U.S. federal courts. As an organization that represents the human rights interests of the American Jewish community under the mission statement “Justice, Justice Shall You Pursue” (Deuteronomy 16:20), AAJLJ is proud to have joined this brief advocating for victims of terrorism seeking justice.

The amicus brief traces the long history of the PLO and PA’s system for rewarding and encouraging terrorism through compensation and stipends, often referred to as “Pay for Slay.” The brief also examines the various laws and institutions that make up this terror program, how it grew over time into an entrenched bureaucracy, and how, in maintaining a structure that offers terrorists “martyrdom” and financial benefits to their families, the PLO and PA have created a brutal cycle of violence. The brief also pays respects to the many victims of the PLO and PA’s terrorism, including several Americans, both Jewish and non-Jewish.

For decades, Congress has passed laws that sought to subject the PLO and PA to civil liability in U.S. courts for their “Pay for Slay” program and bring justice to the victims, but courts have dismissed lawsuits brought under these statutes, holding that the PLO and PA are not subject to personal jurisdiction in federal courts. In 2019, in response to these decisions, Congress passed the Promoting Security and Justice for Victims of Terrorism Act (“PSJVTA”), trying again to subject the PLO and PA to civil liability. But, again, a federal court dismissed victims' lawsuits, holding that the PSJVTA is unconstitutional. The amicus brief argues that the PSJVTA is constitutional in that it is a fair and reasonable means to combat foreign terrorism, and because

the PLO and PA should reasonably expect to be subject to U.S. jurisdiction based on their activities in the United States.

AAJLJ Executive Director Richard Foltin said, "We thank Mark Pinkert, Jason Torchinsky, Erielle Davidson, and Jared Bauman from the law firm of Holtzman Vogel Baran Torchinsky & Josefiak, as well as Scott Whitman, Craig Unterberg, and Leel Sinai from the law firm Haynes & Boone, for their impressive work on this brief. We are grateful as well to the sixteen other amicus groups that joined the brief. Even as they span a wide range of political views and interests, these groups have come together to speak clearly against the PLO and PA's support for terrorism and in favor of justice for the victims."

Even as this release was being prepared, the *Jerusalem Post* reported that PA Chairman Mahmoud Abbas has "issued an order to restructure laws and regulations related to paying financial allocations to the families of Palestinians linked with terrorist activity,... according to Palestinian Authority state media WAFA," ostensibly subjecting payments to those families "to the same eligibility criteria as other families enrolled in social protection and welfare programs." The import of this change is unclear. "But," said Foltin, "whether or not this order actually brings a halt to 'Pay for Slay' on a going forward basis, the need to allow victims of terrorism to move forward with this case remains as crucial as ever -- so as to assure that the PA is held liable for past wrongs, to provide a remedy for the victims, and to ensure that the abominable practice of 'Pay for Slay' does not happen again."