

DISTRICT OF COLUMBIA

COURT OF APPEALS

STEVEN J. ROSEN,	)	
	)	
Plaintiff-Appellant	)	
v.	)	
	)	Appeal No. 11-cv-368
AMERICAN ISRAEL PUBLIC AFFAIRS	)	
COMMITTEE, INC., et. al.,	)	
	)	
Defendants-Appellees	)	
	)	

MOTION FOR GRANT F. SMITH FOR LEAVE TO FILE

A BRIEF AS AMICUS CURIAE

Grant F. Smith respectfully moves this Court for leave to file the attached brief as *amicus curiae* over issues raised by evidence he has gathered and distributed to the public through articles and books, which has been submitted as evidence by the Plaintiff-Appellant, which is also serving as evidence in other formal legal proceedings, but which has been materially misrepresented by the Defendant-Appellee.

Jeff Stein of the *Washington Post* calls Smith “a Washington D.C. author who has made a career out of writing critical books on Israeli spying and lobbying.”<sup>1</sup> James Petras, Bartle Professor (Emeritus) of Sociology at Binghamton University, New York claims "Grant F. Smith is without peer as an archival scholar." Author and journalist Philip Weiss claims that “the best investigative work is

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<sup>1</sup> Stein, Jeff "Israeli intelligence, our constant companion" *The Washington Post*, March 24, 2010

being done by Grant Smith...”<sup>2</sup> Nathan Guttman of *The Jewish Daily Forward* recognizes Smith as leading a public effort to “call attention of the authorities to AIPAC’s activity and demands public scrutiny of the group’s legal status.”<sup>3</sup> John J. Mearsheimer, the R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago claims “Grant Smith’s new book<sup>4</sup> is a major step forward in correcting that problem. He provides a fascinating--and disturbing--account of how I.L. Kenen laid the groundwork for AIPAC, the most powerful organization in the lobby.” Smith has written a half-dozen books about Israel lobbying and espionage in the United States, as well as AIPAC’s history.

On July 25, 2011 the Defendant-Appellee filed its BRIEF OF APPELLEES claiming that the Plaintiff’s defamation suit was properly dismissed in Superior Court. As evidence it responded to declassified FBI files first obtained by the amicus curiae under the Freedom of Information Act. the Defendant-Appellee has previously cited the amicus curiae’s ongoing public interest correspondence with the Office of the President and subsequently introduced by the Plaintiff-Appellant into evidence in both Superior and Appeals court. The Defendant-Appellee fundamentally misrepresents the contents of the declassified FBI files and their meaning through erroneous statements and selective extraction.

As a recognized expert and public interest advocate, the amicus curiae is an interested party in questions raised by this matter. The negative effects of AIPAC’s possession of confidential US business information contained in still-classified sections of the report *Probable Economic Effect of Providing Duty-Free Treatment for Imports from Israel* are non-trivial and ongoing. The amicus curiae has led two separate efforts filed under Section 301 of the Trade Act of 1974 seeking \$6.64 billion in

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<sup>2</sup> Weiss, Philip "Why there is no mainstream investigative journalism about the Israel Lobby" MondoWeiss, March 30, 2010

<sup>3</sup> Guttman, Nathan "Rosen Remains Determined to Prove Trafficking in Secrets is Normal at AIPAC" December 2, 2010

<sup>4</sup> *America’s Defense Line*, ISBN 978-0976443728

compensation for the US exporters that suffered the loss and misuse of their confidential business data at the hands of AIPAC and the Israeli Ministry of Economics.<sup>5</sup> The amicus curiae is currently readying a third and more extensive filing for submission to the Section 301 Committee of the Office of the US Trade Ambassador presenting new information about ongoing losses and damage to US trade relations caused by AIPAC's use of confidential business data even as private parties consider preparing their own civil actions.

AIPAC's possession and use of the classified and business confidential information contained in *Probable Economic Effect of Providing Duty-Free Treatment for Imports from Israel* in tight coordination with the Israeli government is also a key component of a body of evidence submitted in an effort led by the amicus curiae to compel the US Department of Justice to register AIPAC as a foreign agent of the Israeli Ministry of Foreign Affairs under the 1938 Foreign Agents Registration Act. The amicus curiae is currently in negotiations with the Department of Justice to brief Attorney General Eric Holder about the large and growing body of evidence first presented to Foreign Agents Registration Act Section Chief Heather Hunt in November of 2009.<sup>6</sup>

Finally, the amicus curia is engaged in ongoing communications with the Tax Exempt Division of the Internal Revenue Service of the US Treasury Department over questions about AIPAC's tax-exempt status. The evidence submitted in this effort supporting revocation includes documentation of AIPAC's ongoing circulation of classified US government information which is incompatible with its claimed charitable purpose. The amicus curiae's last interaction with the IRS on this matter took place

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<sup>5</sup> See Amicus Curie's Ex. A Filing to the USTR Section 301 Committee seeking \$6.64 billion in compensation for US Industry Organizations May 24, 2010

<sup>6</sup> See Amicus Curie's Ex. B Heather H. Hunt, Chief, Registration Unit, Counterespionage Section, National Security Division response to Amicus Curiae request to Brief AG Holder, December 29, 2011

December of 2011.<sup>7</sup> The amicus curiae continues to provide updates about the ongoing of damage caused by AIPAC's theft and use of classified information and confidential business information in 1984.

The Defendant-Appellee misrepresents in its court filings some of the important primary research documents and findings made publicly available through the amicus curiae's public interest research. If the Appeals Court issues a decision based on misrepresentations of this evidence, the Court could legitimate the Defendant-Appellee's false representations, negatively impacting the amicus curiae's ongoing efforts to improve rule of law and governance in the United States through the warranted oversight and proper regulation of AIPAC. A judgment issued on the basis of misrepresentation may also negatively impact future civil actions and criminal prosecutions in an area of increasing national concern: the private acquisition, circulation and illicit use of classified US government and confidential business information submitted to the US government. For the foregoing reasons, the amicus curiae respectfully requests that this Court GRANT this Motion and accept the attached amicus curiae brief instanter.

Respectfully submitted  
Grant F. Smith, *pro se*



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<sup>7</sup> See Amicus Curie's Ex. C Nanette M. Downing, Director, Exempt Organization Examinations, confirmation of receipt of information about AIPAC tax exempt status, December 8, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was served on counsel for the Plaintiff-Appellant and Defendants-Appellees at the addresses set forth below by regular United States mail, this 13th day of January, 2012.

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