

No. 23-208

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In the  
**Supreme Court of the United States**

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KEREN KAYEMETH LEISRAEL, ET AL.,

*Petitioners,*

v.

EDUCATION FOR A JUST PEACE IN THE MIDDLE EAST,

*Respondent.*

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**On Petition for Writ of Certiorari to the United States  
Court of Appeals for the District of Columbia Circuit**

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**SUPPLEMENTAL BRIEF OF PETITIONERS**

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October, 2023

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## **SUPPLEMENTAL BRIEF OF PETITIONERS**

Pursuant to Rule 15(8) of the Rules of this Court petitioners hereby submit this Supplemental Brief to call attention to “matter not available at the time of the party’s last filing.”

Petitioners filed the Petition for a Writ of Certiorari on September 1, 2023.

Amici curiae filed briefs supporting petitioners on October 5, 2023 (Zachor Legal Institute) and on October 6, 2023 (Zionist Organization of America).

On October 6, 2023, respondent waived its right to file a response.

The Petition has been distributed for Conference of October 27, 2023.

On October 7, 2023, Hamas terrorists crossed the border from Gaza into Israel, murdered 1300 civilians (including 30 American citizens) and kidnapped more than 150 hostages (including 13 Americans). Israel then declared war on Hamas. The United States has announced total support for Israel in its war against Hamas. President Biden has traveled to Israel to demonstrate America’s support for Israel in its war against Hamas.

The respondent is an American Section 501(c)(3) organization that solicits tax-deductible contributions in the United States. The collected funds are transmitted to foreign entities whose membership includes Hamas and other Foreign Terrorist Organizations.

Petitioners' detailed Complaint made "plausible" allegations that Hamas was responsible for the launch from Gaza of terrorist incendiary kites and balloons during "Great Return Marches." These "Marches" – alleged in the Complaint to be Hamas-directed terrorist activities at the Israeli-Gaza fence - were approved and promoted by the respondent.

By dismissing petitioners' Complaint under FRCP Rule 12(b)(6), the lower courts prevented petitioners from engaging in discovery to determine how the funds solicited by respondent were distributed and whether Hamas was and continues to be a known beneficiary of tax-deductible contributions made by American taxpayers.

Hamas is now not only a Foreign Terrorist Organization but is a military adversary of the United States and is responsible for the deaths and kidnapping of American citizens.

Whether funds have been and are being transmitted to Hamas from the United States, following respondent's solicitation of tax-deductible contributions, is today a subject of great national importance and interest, as well as being relevant to liability for violation of the Anti-Terrorism Act, 18 U.S.C. § 2333.

The events that have occurred since petitioners' "last filing" warrant the issuance of a request by this Court that respondent file a response to the Petition for a Writ of Certiorari.

Respectfully submitted,

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