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September 23, 2004

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Terry Zitek, Esq.  
Walter Furr, Esq.  
Office of the United States Attorney  
Middle District of Florida  
400 North Tampa Street, Suite 3200  
Tampa, FL 33602

Re: United States v. Dr. Sami Al-Arian

Dear Gentlemen:

It has been sometime since we have written you regarding discovery matters in our ongoing case. We remain concerned that our efforts to acquire exculpatory materials in a timely manner i.e. in enough time that they may effectively be integrated in our defense, continues to be frustrated by your office's approach to these matters.

In that regard, we are including the Justice Department's Response in the Karim Khoubriti case. Attachment 1. As you probably know, this response resulted in the dismissal of the indictment in that matter. Even a casual reading of the government's pleading in that indicates that the Justice Department's approach to the issue of exculpatory evidence is far less extreme than the approach that your office has taken in this matter. The department clearly regards evidence that is inconsistent with the government's theory of the case as exculpatory. Therefore, to the extent that our previous request has not specifically covered this issue, we now specifically request all evidence in the possession, custody and control of the government that is inconsistent with the government's theory of the case. Likewise, it is also clear that the department viewed evidence consistent with the defense theory of the case as exculpatory. To the extent that our prior request has not covered that issue, we now specifically request all evidence in the possession, custody and control of the government that is consistent with the defense theory of this case.

In this regard, Dr. Al-Arian met with the President of the United States either George Bush or Bill Clinton or at the White House in 1998, 1999, 2000, 2001. He was briefed at the Justice Department in July of 2001, met with Bill Clinton May of 1999 and April 2000, with Al Gore in November 1998, with Hilary Clinton in October of 1999 and George Bush in March of 2003. President (George Bush) sent a written apology to Dr. Al-Arian's wife, Nahla Al-Arian, in

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2001 when Dr. Al-Arian's son was denied access to the White House of that same year. Each of these events occurred at a time during that the government is alleging that Dr. Al-Arian was somehow a dangerous terrorist involved in a conspiracy to kill Americans. Dr. Al-Arian's access to these political figures coupled with the fact there was public source information regarding many of the contentions that form the basis of the government's indictment seem to belie the notion that Dr. Al-Arian was in anyway considered by anyone in the intelligence or law enforcement communities to be any kind of threat to the United States or a threat to harm any officials of the United States.

As a result of the above, the defense is specifically requesting all written reports or documents of any kind i.e. including electronic reports of any intelligence agencies or law enforcement agencies regarding Dr. Al-Arian that existed at the time for any of these meetings that are in any way exculpatory. We are seeking any reports, written or otherwise maintained, regarding Dr. Al-Arian's clearances to obtain admission to the White House or any other secure facility run or managed by any agency of the United States Government. (For your information on at least one occasion, Dr. Al-Arian was invited to a private residence to meet President Clinton). We are seeking all copies of any photos taken of Dr. Al-Arian with any officials of the United States Government, in particular, the original of any photographs taken depicting Dr. Al-Arian and any senior members of the current or past administration. We are seeking the original of a picture of members of the Bush family and Dr. Al-Arian's family during the 2000 Campaign for President. We are seeking any photographs of Dr. Al-Arian with senior members of the president's executive staff such as Karl Rove.

2. We are seeking all reports of investigative summaries or any other writing, electronic or otherwise in the possession, custody and control of any law enforcement or intelligence or the state department agency of the United States that made any assessment of Dr. Al-Arian's individual propensity for violence and that determination is in any way exculpatory.

We seek not only the reports themselves, but also the names of all agencies involved in the creation of such reports as well as the names and addresses of all individuals who were involved in the compilation of any reports.

3. Likewise, we are seeking all information in the possession, custody and control of any law enforcement agency, intelligence agency or state department that the Palestinian Islamic Jihad has never committed an act of violence in the United States. We further seek the names of all agencies involved in the creation of the reports and the names of all individuals involved in the creation of these reports.

We are requesting from any agency in the Executive Branch any assessments of the likelihood that the Palestinian Islamic Jihad would commit an act of violence in the United States, which may be anyway exculpatory.

4. In his remarks in the United Nations on September 21, 2004, President Bush called upon the government of Israel to ".....impose a settlement freeze, dismantle unauthorized outposts,

**end the daily humiliation of the Palestinian people, and avoid any actions that prejudice final negotiations.” We are therefore requesting from any agency in the Executive Branch all information in their possession, custody, or control upon which the president based his remarks regarding the “daily humiliation of the Palestinian people. Attachment 2.**

5. We are seeking any information shared with the United States by any intelligence or law enforcement agency that is in anyway exculpatory regarding Dr. Al-Arian.
6. We are seeking all reports in the possession, custody and control of the United States in the State Department, F.B.I. (law enforcement), C.I.A. or N.S.A. or any other intelligence agencies concerning the treatment of the Palestinians in the “occupied” territory.
7. We are seeking any reports by any agency of the United States that describe the Intifada as a response to policies pursued by the Israeli government.
8. We are seeking any confidential reports of the State Department or any other agency of the United States Government regarding the treatment of Palestinians by the Israeli Defense Forces or Mossad.
9. We are requesting any information in the possession of the United States Government that would tend to establish that interest and concern of the P.I.J. is the liberation of Palestine rather than random terrorist attacks on the United States or United States citizens.
10. We are seeking all information in the possession, custody and control of the government that Dr. Al-Arian did not order or participate in any act of violence as described in the indictment.
11. We are seeking all evidence in the possession, custody and control of any agency of the United States Government that indicates that any money contributed by I.C.P. , WISE or any other entity associated with Dr. Al-Arian, did not directly provide any funds for any violent acts charged in the indictment.
12. We are specifically requesting any F.B.I., C.I.A., intelligence agency or law enforcement evaluations of the alleged Tampa cell that indicates that this so-called cell did not represent a threat to the United States, is engaged in non-violent activity, is not violent, is not threatening to any individual here in the United States.
13. Any evaluation by intelligence agency, law enforcement agency, the State Department, that WISE or I.C.P. or any other group affiliated with Dr. Al-Arian and or allegedly affiliated with P.I.J. that indicates that these organizations were/are engaged in non-violent activities.
14. We are seeking any briefings given to any members of the Bush or Clinton Administrations regarding Dr. Al-Arian or the P.I.J., which are in any way exculpatory to the accused Dr. Sami Al-Arian.

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15. We are requesting the government immediately supply us with all recorded conversations between Dr. Al-Arian, the following government officials and others:

Vincent Cannistraro	Asa Hutchinson
Grover Norquist	Jim Moran
Ramsey Clark	Nick Rahall
David Bonior	Tom Davis
Tom Campbell	Dennis Hastert
Henry Hyde	Spencer Abraham
Cynthia McKinney	Trent Lott
Barney Frank	Newt Gingrich
Bob Bar	Randa Hudome

Many of these individuals were members of the Executive Branch or the Congress of the United States with whom Dr. Al-Arian spoke to during the duration of the F.I.S.A. wiretaps. We are unable to locate any of these conversations in our scan of available materials. We are requesting all information in the possession, custody and control of the United States Government regarding Dr. Al-Arian's conversation with anyone in the preceding list.

16. Likewise, Dr. Al-Arian's emails during the period of 1997 until 2003 would also reflect contacts with the above referenced individuals we are therefore making the same request regarding the emails.

17. If it is the contention of the government that these conversations were not preserved, we are requesting names, addresses and authority of the individual or individuals who authorized their destruction. If it is the contention of the government that the minimization process engaged in by the government resulted in the destruction of these conversations, we request the names and authority of all individuals who authorized the destruction. Make no mistake about it; we view Dr. Al-Arian's contacts with the above referenced individuals as exculpatory. Thus, any destruction of these conversations has the potential to affect Dr. Al-Arian's ability to defend himself. Any aid in locating these conversations would be greatly appreciated.

18. We are requesting all FBI investigative reports located in the hard drive, typically known as the "I-drive". Specially, we are requesting all information and evidence that did not get uploaded into the official case file, but rather was retained in the I-drive pursuant to FBI direction. This information, we contend, is Rule 16 evidence and may also be exculpatory; therefore, we are entitled to its production. Attachment 3.

As you gentlemen know you have not provided one piece of exculpatory material in this matter. It is inconceivable to us that evaluations and reports outlined in this letter do not exist.

We believe that your current intransigence in these matters derives from your office's desire to protect the current administration. We will not sacrifice Dr. Al-Arian's rights to these efforts.

Terry Zitek, Esq.  
Walter Furr  
September 23, 2004

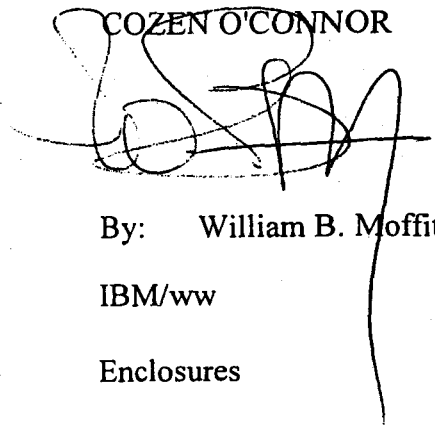
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We also continue to persist in all our unanswered requests for discovery either Rule 16 and or Brady material. We need to integrate this material into our defense at the earliest moment. The failure to provide this material will adversely affect Dr. Al-Arian's ability to defend himself.

Sincerely,

COZEN O'CONNOR



By: William B. Moffitt

IBM/ww

Enclosures

cc: Linda Moreno, Esq.