

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 8:03-cr-77-T-30TBM

v.

SAMI AMIN AL-ARIAN,
SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT,
HATIM NAJI FARIZ

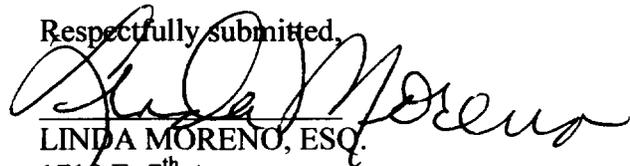
Defendants.

**DEFENDANT AL-ARIAN'S RESPONSE TO PROPOSED JUROR
QUESTIONNAIRE BY COURT, DATED JANUARY 21, 2004**

COMES NOW the Accused, SAMI AMIN AL-ARIAN, and responds to the comprehensive juror questionnaire as proposed by this Honorable Court on January 21, 2004. The attached is a page-by-page response with additions and modifications on behalf of the defense. The defense reserves the right to add to, amend and enhance further these questions as the matter draws near to the actual jury trial date, given the high profile nature of this case and the attendant prejudicial issues which may arise. The defense reserves the right to move for individual voir dire on the sensitive issues which may be identified from the questionnaire.

Dated: 3/22/04

Respectfully submitted,


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**RESPONSE TO COURT'S QUESTIONNAIRE ON BEHALF
OF DR. SAMI AL-ARIAN**

COURT'S PAGE

P. 4: Defense requests that after the question:” What is your hardship?”, the following question should be posed: **What arrangements can you make to alleviate your hardship?**

P.5: Defense requests after **No. 10**, the following question should be posed: **What, if any, talk shows do you listen to or watch?**

P.6: Defense submits that questions **14** and **14(a)** are prejudicial in that the Court asks for a commitment from the juror on the reliability of evidence which integrity will surely be challenged during the trial. The defense does not foresee an “official interpreter’s translation of testimony” upon which the juror must rely. Rather, the defense refers the Court back to our questions under the category of “Translator”, which are more neutral:

1. **Do you speak any foreign languages? __ Yes __ No** If yes, please specify.
 2. **Have you, any member of your family or a close friend ever worked as a translator? ____ Yes ____ No**
 3. **In what language(s) _____**
 4. **Have you had experience in encountering incorrect translations? If so, please describe the situation. _____**
 5. **Is it possible to have multiple interpretations of the same passage? If so how? _____**
-

P.8: Defense requests the Court add, in question **22**, whether anyone has been employed by the **Department of Homeland Security** or the **Department of Justice**.

Defense also submits that questions **24** and **25** are duplicative and requests the Court use only question number **25**.

Defense further request the following questions be added in this section:

**Do you consider yourself to be politically: ____ Liberal ____ Conservative
____ Moderate**

Have you acquired any experience or training in fund raising, political campaigns, or faith-based community organizing? ____ Yes ____ No

If yes, please give details: _____

P.9 Defense requests the Court add, after question 27, the following: **Has your spouse or children ever served in the military? ___ Yes ___ No Branch and highest rank: _____**

Defense submits that question 29 (a) is prejudicial, in that it reinforces the question of terrorism, and limits the inquiry to the Middle East. A juror's experience during the Vietnam conflict may be equally as pertinent to an effective peremptory or cause challenge. Defense submits the court should modify the question. Therefore, the question should properly read as follows: **Have you, a family member, close friend or acquaintance been injured while serving in a combat or military zone? Has anyone close to you been killed? If yes, please tell us who, when and where.**

P. 10 Defense submits that questions 30 (a),(b), (c), should not appear in this portion of the questionnaire as it is prejudicial and reinforces the question of terrorism. Rather, the defense requests this question should more appropriately appear in the context of the media questions, which appear on pages 14 and 15.

Defense requests the Court incorporate the category of **Muslims** in questions 31 through 36. There are Palestinians who are not Muslim and there are Arabs who are not Muslim. However, all of the defendants in the current criminal case are Muslim.

Defense further resubmits the following questions on spiritual and religious beliefs, which should appear after question 36:

How would you describe your religious or spiritual beliefs?

How important is your religion to you? ___ Very Important ___ Important ___ Somewhat important ___ Not important

P. 11 Defense requests that question 36 should be modified to read in the following manner:

Do you have any experiences, feeling or impressions about Palestinians, Arabs, or Muslims that would make it difficult for you to listen to the evidence with an open mind and render a verdict based solely on the evidence presented in court when the case involves Palestinian, Arab, or Muslim men charged with various acts of terrorism?

_____ Yes _____ No If Yes, please explain:

Defense also requests the following questions inserted in this section:

What is your opinion of the conflict between the Palestinians and the Israelis in the Occupied Territories in the Middle East? _____

Based on your opinion of the conflict, have you formed an opinion of the guilt or innocence of the defendants in this case? _____

What is your opinion about the Palestinian peoples' assertion of their right to an independent state of their own on land occupied by the Israeli settlers?

Do you believe the Palestinian resistance to the Israeli occupation is terrorism? ____ Yes ____ No Please explain _____

What particular terrorist groups have you heard of?

What comes to mind when you hear the words *terrorist groups*?

Do you equate the support of unpopular political movements with terrorism? ____ Yes ____ No If Yes, please explain. _____

Do you believe Palestinians are a threat to our national security? Why or Why Not? _____

In the face of the threat of terrorism, I would support whatever measures the federal government decided were appropriate, including the limitations of civil liberties. _____ Agree strongly ____ Agree somewhat _____ Disagree somewhat _____ Disagree If you agree, please explain.

P. 12 Defense requests the Court modify question 40 and divide it into 3 separate questions. Additionally, the defense requests more space for the prospective juror to write his or her answer.

P.13 Defense requests the Court modify question 41 (a) to read as follows:
Please explain who has the connection in detail for each individual.

P.14 Defense requests the Court add the following names to question 43 (a):
Linda Moreno, William Moffitt

Defense requests the Court delete question 45 as it is duplicative of question 40.

Defense further requests the Court modify question 46 to read as follows:
Is there anything you have seen, hear, or read about the individuals charged in the indictment that would interfere with your ability to listen to the evidence with an open mind and render a fair verdict in this case based solely on the evidence presented in court?

P.15 The Defense requests the following questions to be added after question 49 in order to more effectively learn the jurors' prejudices, if any:

What does the ongoing media attention suggest to you about the defendants in this case? _____

What does it mean to you when a case gets a lot of media attention?

What criminal cases have interested you in the media? Why?

What, if anything, did you learn from these cases?

The Defense further requests that the Court modify question 50 to inquire whether the jury service was on a **federal or state case**.

P.16 The Defense requests the Court modify question 53 to read as follows:
Have you read or heard the media accounts of Dr. Al-Arian's professorship at the University of South Florida?

P.17 The Defense requests the Court modify question 56(a) to add the **Department of Homeland Security and the Department of Justice.**

The Defense requests the Court to add a section: **(f) any media outlet, newspaper, radio, television, or other media outlet.**

P. 18 The Defense submits that questions 61-64 are duplicative of question 56, therefore they should be deleted. Additionally, the defense requests the court to modify question 65 as follows:

Do you know anyone who has been connected with the criminal justice system such as: judges, law clerks, court attendants, court clerks, other types of court personnel and probation officers. The rest of the sentence is duplicative.

The Defense further requests the following questions be inserted here:

What comes to mind when you think of circumstantial evidence?

I would be ___ more likely or ___ less likely to find someone guilty beyond a reasonable doubt if the evidence was circumstantial. (Check one).

How do you feel about the use of evidence that suggests something happened but is not direct proof?

Would you give more weight to the testimony of a law enforcement officer or government agent, like an FBI agent, than you would to any other witness?

___ Yes ___ No ___ Would Make No Difference If Yes, please explain: _____

How often do you think police officers arrest an innocent person?

___ Often ___ Sometimes ___ Rarely ___ Never

a. What could cause the arrest of an innocent person?

People brought to trial can be wrongly accused, or accused of the wrong things. ___ Agree strongly ___ Agree somewhat ___ Disagree somewhat

___ Disagree strongly Please explain: _____

There must be some truth to the charges against the defendant, since the case has come all the way to trial. _____ Agree strongly _____ Agree somewhat _____ Disagree somewhat _____ Disagree strongly Please explain:

P. 19 The Defense submits that question 67 is meaningless in terms of soliciting any real prejudice from the jurors; all persons who live in the world today could answer "yes" to this question. Instead, we request the addition of the following question:

Have you or any family members or close friends had any personal experience with acts of terrorism? _____ Yes _____ No If yes, please explain _____

The Defense submits that question 68 may be interpreted as an endorsement by the Court of accomplice or informant testimony. Therefore, the Defense requests the Court modify this question in the following way:

You may hear testimony in this case from accomplices or informants. One or more of those individuals may be called to testify in this case and you may learn that some of the individuals have participated in serious crimes. The Court wishes to advise you that there is nothing illegal or improper about the Government using accomplices or informants to investigate a case and you may give their testimony whatever weight you deem appropriate. How do you feel about the use of accomplices and informants and what would be important to you in assessing their testimony. _____

P. 20 The Defense requests the Court modify question 73 in the following manner:
Do you believe that the protections of free speech in a democracy extend both to citizens and non-citizens?

P.21 The Defense submits that question 78 is in an inappropriate section, following the right to silence questions. Instead, this question should follow question 40 and be modified in the following manner:

**Have you heard or read about any statements attributable to Dr. Al-Arian?
_____ Yes _____ No**

Would you consider those statements you heard or read as Dr. Al-Arian's testimony whether or not he takes the stand in court?

Yes No Please explain. _____

The Defense requests the Court modify question 79 in the following manner:
There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Before received in evidence, the Court will have ruled that this evidence is lawfully before you and you may give it the weight you deem appropriate. How do you feel about electronic surveillance of private conversations? _____

The Defense requests the Court modify question 80 in the following manner:
There may also be evidence obtained from photographic and physical surveillance as well as evidence seized pursuant to lawful searches of various places, including the homes of some of the defendants. How do you feel about surveillance or searches of private property? _____

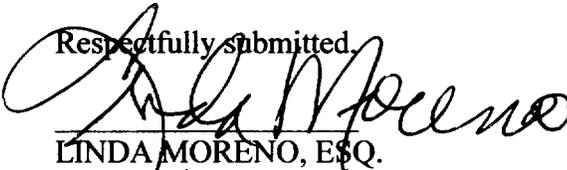
P.21 The Defendant respectfully submits that question 81 is prejudicial in that it asks the juror for a commitment to the Court before they know what the applicable law is in this case; additionally, the Defense submits the question is overbroad. The Defense requests the following questions be inserted:

The prosecution is required to prove its case beyond a reasonable doubt. If, after hearing the evidence, you thought the defendant could be guilty, but you were not convinced beyond a reasonable doubt, would you be able to return a verdict of Not Guilty? Yes No If No, why not? _____

Would you look to defense counsel to prove to you that the defendant is Not Guilty? Yes No Why? _____

P. 22 Defense submits that questions **83** and **84** are duplicative and, therefore, should be deleted.

Dated: 22 March 2004

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

Sent via U. S. Mail this 22nd day of March, 2004.

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