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CLERK
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

United States District Court
Middle District of Florida
Tampa Division

United States of America

v.

Sami Amin Al-Arian, et al.

Case no: 8:03-CR-77-T-30-TBM

Defendant Sami Amin Al-Arian Pro Se Motion
Requesting the Honorable Court's Intervention
in Facilitating the Government's Arbitrary
Actions in Violation of His Constitutional Rights

Comes now the defendant Sami Amin Al-Arian, in
pro se capacity and moves this Honorable Court to
intervene by addressing 3 specific issues which have
been imposed on him by the Government in
violation of his constitutional and legal rights, namely:

- 1) Despite all pleas, requests, complaints and Judge
McGoun's order of August 28, 2003, the
defendant's legal mail is still being opened
outside his presence in direct violation of
his rights and the Court's order. (While at
Orient Rd jail last week, the defendant received
one legal mail which was opened in his presence.
In contrast, the defendant received - since the order

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was issued - 18 pieces of of legal mail at Coleman. All have been opened outside his presence in direct violation of this court's order.)

- 2) The defendant requests that the Honorable Court impose \$1000 sanction per incident against the government for every violation of this kind so that the defendant's rights are respected and not violated.
- 3) Since Judge McCoun's order of August 28, 2003, the Coleman administration has prevented all contact visits with any attorneys in direct violation of the 6th Amendment and their own regulations.
- 4) The defendant asserts that he is entitled to the benefit all legal advice from any licensed attorney in good standing and in a contact visit setting whether on this case or any other litigation the defendant is a party to or might be a party to.
- 5) The defendant has provided a list of all attorneys who might request a visit with the defendant with the Coleman administration in accordance with the prison's security request.

- 6) The defendant is under no obligation to describe the nature of any meeting with any licensed attorney in good standing as such intrusion violates the attorney-client privilege, a privilege well established in our legal system.
- 7) The Magistrate's Order of August 28, 2003, does not bar the defendant from meeting with any legal counselor. In fact, the magistrate Judge indicated to the defendant that "he could meet with whoever he wants."
- 8) Further, the Honorable Federal District Judge James Moody stated in his recent order on Sept. 23, 2003, that interviews of perspective lawyers can and do take place at Coleman Federal Correctional Institute.
- 9) However, the defendant has been denied that right on several occasions with the arbitrary interpretation of Judge McCoun's order of August 28, 2003 by the Coleman administration. This interpretation was relayed to the defendant by Captain Jenkins, Associate Warden Potts, and Counselor Boss.
- 10) The defendant requests the Honorable Court to immediately intervine and lift this unconstitutional and arbitrary sanction by allowing the defendant to meet in a contact, private, and unmonitored

setting with any licensed attorney (in good standing).

- 11) The defendant was told on March 27, 2003, when he was transferred to Coleman, that all legal calls have to be provided through Counselor Bass and the Unit team.
- 12) Sometimes in July, the defendant was told by the Counselor that any legal calls have to be approved by the Coleman administration, presumably at the Warden or Associate Warden level.
- 13) On September 30, 2003, the defendant was told by Counselor Bass, that any legal calls must now be approved by the BOP regional office in Atlanta. He even called that policy "ridiculous." However, he cannot ignore it.
- 14) Needless to say, such arbitrary policy of prohibiting legal visits and severely restricting legal calls on a presumed innocent pre-trial detainee presents enormous hardship on mounting any meaningful, adequate and effective defense. The defendant asserts that these policies are discriminatory, and are in direct violation of his constitutional rights.
- 15) The defendant requests that the Honorable Court immediately restores the right of the defendant

to make any legal calls since at this rate it might not be long before such approvals would require the Justice Department or the White House!

Wherefore, the defendant prays that the Honorable Court will immediately order the Government to:

- 1) Cease the opening of the defendant's legal mail outside his presence as well as impose \$1000 Sanction per each violation;
- 2) Allow the contact visit with any attorney in good standing; and
- 3) Restore the right of the defendant to make any legal calls through the Counselor or the Unit team and not to impose arbitrary procedures against the defendant.

Respectfully Submitted,



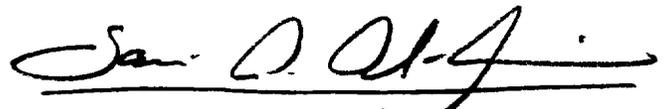
Sami A. Al-Arian

Dated: October 1, 2003
Coleman Federal Prison

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been mailed through the U.S. mail to the U.S. Attorney's Office, Mr. Terry Furr, Assistant US Attorney, 400 N. Tampa St., Suite 3200, Tampa, FL 33602; Donald Horrox, Assistant Public Defender, 400 N. Tampa St., Suite 2700, Tampa, FL 33602; Stephen Bernstein, Esq., P.O. Box 1642, Gainesville, FL 32602; and Bruce Howie, 5720 Central Ave., St. Petersburg, FL 33707,

this 1st day of October, 2003.


Sami A. Al-Aric