

We urgently request all conscientious individuals to call, email, or write to the following officials to ask for an immediate end to Dr. Al-Arian's suffering (for sample letters, please visit www.freesamialarian.com/help.html):

1. **Honorable Judge Gerald Lee**
Fax: (703) 299-3339
2. **Attorney General Michael Mukasey**
Fax: (202) 307-6777
Email: ASKDOJ@usdoj.gov
3. **Vincent Archibeque**
Assistant Field Office Director for US
Immigration and Customs Enforcement (ICE)
Office #: (703) 285-6221

Complain about the prosecutorial misconduct and abuse of the grand jury system in Dr. Al-Arian's case to:

**US Department of Justice
Office of Professional Responsibility**
950 Pennsylvania Ave. NW
Washington, DC 20530

Contact your elected representatives. Simply visit:

<http://www.congress.org/congressorg/home/>

put in your zip code, and you can email all your representatives at once.

Write to Dr. Al-Arian and express your support!

Dr. Sami Al-Arian #21707
Hampton Roads Regional Jail
PO Box 7609
Portsmouth, VA 23707

*Please note that Dr. Al-Arian is often transferred between facilities. Please visit www.freesamialarian.com/contact.html to check the most current address.

Please contribute to Dr. Al-Arian's legal fund, either online through PayPal (link available at www.freesaminow.com) or by sending a check to:

National Liberty Fund
PO Box 1211
24525 E. Welches Rd.
Welches, OR 97067



**Stand up for
Justice: Speak up
for Sami**



Summary of Case



"In the end we will remember not the words of our enemies, but the silence of our friends."
-Martin Luther King Jr.

Dr. Al-Arian's Continued Harassment

In October 2006, Assistant U.S. Attorney Gordon Kromberg called on Dr. Al-Arian to testify before a grand jury investigating an Islamic think tank in Virginia.

Following a hearing in which Dr. Al-Arian refused to testify, defense lawyers argued that the grand jury subpoena was a violation of the plea agreement.

During the negotiations for the plea agreement in early 2006, Dr. Al-Arian's attorneys made it clear to the government that their client would not agree to testify at any other trial. The government's attorneys backed down and accordingly removed the cooperation-clause that is standard in plea agreements in the Middle District of Florida.

In a blatant disregard of this agreement, the government has summoned Dr. Al-Arian to testify before three grand juries. The most recent subpoena was issued on March 3rd.

Dr. Al-Arian's attorneys have warned him that the government is setting up a perjury trap, which, given all the facts, is certain.

A perjury trap, according to Bennett Gershman, one of America's leading legal scholars on prosecutorial misconduct, is a common ruse used by prosecutors to secure a conviction for someone they cannot otherwise prove committed any serious crime. It entails summoning that person to testify in an unrelated case, and then trying to argue that that person lied under oath to the grand jury. As Jonathan Turley, one of Dr. Al-Arian's attorneys, bleakly noted, "If the government wants to charge your client with perjury, it is almost certain to be able to do so by asking enough questions over the course of the proceeding."

There can be no doubt that this is what Assistant US Attorney Gordon Kromberg, the prosecutor calling on Dr. Al-Arian to testify, has in mind. Kromberg has not only made outrageously bigoted statements against Muslims, he has, as Michael Lynch wrote in *Reason Magazine*, "bluntly declared that people like him ought to be able to punish individuals they believe are guilty, even if they can't prove that guilt in a court of law." Indeed, Kromberg has already successfully engineered the perjury conviction of Sabri Benkahla, another Muslim-American who had previously been acquitted of terrorism charges, in a brazen example of double jeopardy.

Furthermore, the government has in fact already attempted to distort Dr. Al-Arian's words to try to convict him: in 2000, while testifying at an immigration hearing for his brother-in-law, a prosecutor asked Dr. Al-Arian if he "believed in the use of violence to free Islam." Dr. Al-Arian answered "No" to this absurd question. Three years later, Dr. Al-Arian was charged with obstruction of justice count based on his response to that question, a charge of which he was acquitted. Additionally, given that Dr. Al-Arian was under 24-hour surveillance by the government for at least a decade prior to his arrest, it is implausible that the government cannot produce whatever information they want from him by other means.

On March 20th, Dr. Al-Arian was brought before a third grand jury where he refused to testify. Any day now, he could be brought before the judge and sentenced for criminal contempt which carries a *minimum* sentence of five years. To protest this cruel trap, Dr. Al-Arian began a hunger strike on March 3rd. As of April 19th, he had already lost 34 pounds. Despite his precarious health situation, Dr. Al-Arian has been continually mistreated and even severely abused in various federal prisons in a cynical attempt to psychologically and physically break him.

(For a clearer explanation of the legalities of this case, please refer to our pamphlet on legal terminology)

Who is Sami Al-Arian?

Dr. Sami Al-Arian, devoted husband and father of five, is a passionate civil rights activist who wasn't afraid to raise his voice against injustice. He was born to Palestinian parents who were forcibly exiled from their homeland in 1948. He immigrated to the United States in 1975, at the age of 17, to pursue higher education. He was a tenured computer engineering professor at the University of South Florida until after 9/11, when the school's administration unlawfully fired him for his outspoken views, work for Palestine, and activism for civil liberties. (For more on Dr. Al-Arian's life prior to his arrest, please see <http://www.freesamialarian.com/bio.html>).

On February 20, 2003, Dr. Al-Arian was arrested with much fanfare and charged in a bloated terrorism conspiracy case. Then-Attorney General John Ashcroft personally announced the arrest on national television, claiming that Dr. Al-Arian was the major financier of the Palestinian Islamic Jihad in North America. Dr. Al-Arian's arrest was hailed by the government as one of the greatest victories to date in the domestic "war on terror." Despite these grandiose charges, Dr. Al-Arian, and the institutions he founded, had been previously cleared of any links to terrorism by a federal judge. Indeed, former FBI counterterrorism chief Bob Blitzer told reporter John Sugg unambiguously that Dr. Al-Arian had broken "no federal laws." Similarly, an anonymous FBI source subsequently revealed to *Time Magazine* that, when Ashcroft ordered the indictment, several federal officials assigned to the case were utterly perplexed.

After his arrest, Dr. Al-Arian spent two-and-a-half years in prison in solitary confinement, treated worse than the worst convicted felons, under conditions condemned by Amnesty International as "gratuitously punitive" before he was finally given his day in court.

June 6, 2005: The Trial Begins

Dr. Al-Arian's six-month trial, which cost an estimated \$50 million, was riddled with prosecutorial and judicial misconduct, such as:

- Judge Moody denied the motion of Dr. Al-Arian's lawyers that the trial be moved out of Tampa, even though there was clearly a negative bias in the media. Local newspapers had slandered Dr. Al-Arian for nearly a decade, even attempting to link him to the 1995 Oklahoma City bombing;
- The judge allowed the prosecution to put 21 witnesses from Israel on the stand to testify about violent acts that the prosecution conceded were not linked to Dr. Al-Arian. In contrast, the defense was prohibited from discussing *anything* related to the plight of the Palestinians living under Israeli occupation;
- The prosecution was allowed to submit 400 intercepted phone calls (the result of decade-long surveillance and half-a-million recorded phone calls) into evidence,
- The prosecution was allowed to enter into evidence a conversation a co-defendant had had with Dr. Al-Arian *in his dream*;
- For five full months, the prosecution was allowed to submit evidence that did not in any way link Dr. Al-Arian to any illegal activities. This was confirmed by the chief prosecutor himself who admitted that "Mr. Al-Arian was not directly linked to any of the violent acts that we showed during the trial."

Despite all this, Dr. Al-Arian's attorneys did not feel the need to call one witness or produce any evidence since the government attacked Dr. Al-Arian purely for **activities protected by the First Amendment**.

The Verdict

On December 6, 2005, the jury acquitted Dr. Al-Arian of 8 of 17 charges against him. On the remaining nine charges, jurors voted 10 to 2 *in favor* of acquittal. Furthermore, it was subsequently revealed that the two jurors who did vote for conviction failed to present their reasons for doing so when pressed by the other jurors, maintaining that they merely *felt* Dr. Al-Arian was guilty.

Time Magazine pronounced the verdict as "one of the Justice Department's most embarrassing legal setbacks since 9/11." The government had gambled the success of its domestic "war on terror" on this case - the first big test-case of the PATRIOT Act - and lost considerably.

Despite the overwhelming verdict in his favor, Dr. Al-Arian has remained in prison. Following the trial, the government indicated its intention to retry him on the remaining charges, which is highly unusual given the jury's overwhelming vote for acquittal.

In contrast, that same month in that same city, the government refused to retry the founder of the Hooters restaurant chain on tax evasion charges because the jury in his trial was hung 6 to 6. The government realized that the proportion was too high to realistically expect a conviction during a retrial, and accordingly let the case go.

On February 28, 2006, following pressure from the government and on the advice of his attorneys, Dr. Al-Arian signed a plea agreement to finally put his ordeal behind him and end his family's suffering.

The Plea

The terms of the plea agreement were in line with Dr. Al-Arian's long-standing contention that he has *never* contributed to the violent actions of any organization. He confessed to the following: (1) hiring an attorney for his brother-in-law, Mazen Al-Najjar, during the latter's deportation hearings in the late 1990's; (2) filling out immigration forms for a resident Palestinian scholar from Britain; and (3) not disclosing details of his colleague's political associations to a local reporter. Since the government claims the three people in question were *associated* with the Palestinian Islamic Jihad, it could twist the language and say that Dr. Al-Arian was pleading guilty to "Conspiracy to make or receive contributions of funds, goods or services to or for the benefit of the Palestinian Islamic Jihad."

As part of the plea agreement, Dr. Al-Arian insisted that he not be summoned to testify at any other trial or be called on to cooperate with the government in any other matter. This was reflected in numerous places within the plea agreement, including the government's own recommendation that he be given the lowest possible sentence, allowing him to leave the United States within weeks of the agreement's finalization. Both parties understood at the outset of the plea negotiations that Dr. Al-Arian would not cooperate with the government; hence the issue of cooperation was immediately taken off the table and never raised again.

Nevertheless, in defiance of all reason, Judge James Moody ignored the government's recommendations and, in May 2006, sentenced Dr. Al-Arian to the maximum sentence possible.

(For more information, please visit <http://www.freesamialarian.com/background.html>).