

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60298-Cr-Scola/O'Sullivan

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

SHEHERYAR ALAM QAZI,  
Defendant.

**DEFENDANT'S MOTION REQUESTING THAT THIS COURT  
DECLARE THE FISA AMENDMENTS ACT OF 2008 UNCONSTITUTIONAL**

Pursuant to the First and Fourth Amendments to the United States Constitution, Article III of the U.S. Constitution, and Federal Rule of Criminal Procedure 12(b), Mr. Qazi, through undersigned counsel, files this motion and in support thereof states the following:

1. Mr. Qazi is charged by indictment with one count of conspiracy to provide material support to terrorists and one count of conspiring to use a weapon of mass destruction.

2. The Court previously entered an order granting Mr. Qazi's Amended Motion to Compel the Government to Provide Him with Advance Notice of Its Intent to Use or Disclose Information Obtained or Derived Pursuant to the FISA Amendments Act of 2008 (hereinafter "FAA") (DE 77).<sup>1</sup>

3. Mr. Qazi now requests that this Court declare the FAA to be unconstitutional because it violates the First and Fourth Amendments to the U.S. Constitution as well as Article III of the Constitution.

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<sup>1</sup> The government subsequently filed a motion for reconsideration of DE 77, *see* DE 80, and Mr. Qazi, in turn, filed a response to said motion. *See* DE 83. Following that, the government filed a reply to DE 83, *see* DE 88, and Mr. Qazi filed a response to DE 88. *See* DE 91.

4. In *Amnesty International et al. v. McConnell et al.*, Case No. 08-cv-06259 (JKG), plaintiffs filed a memorandum in support of their motion for summary judgment in which they argued that the FAA violates the First and Fourth Amendments to the U.S. Constitution as well as Article III of the Constitution. A copy of that memorandum is attached to this motion.<sup>2</sup>

5. Mr. Qazi incorporates by reference the memorandum cited in paragraph 4 above. Mr. Qazi also adopts in their entirety the arguments contained in that memorandum and relies on those arguments in support of his request that this Court declare the FAA to be unconstitutional because it violates the First and Fourth Amendments to the U.S. Constitution as well as Article III of the Constitution.

6. Undersigned counsel contacted opposing counsel who stated that the government objects to the Court granting this motion.

Respectfully submitted,

/s/ Ronald S. Chapman  
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<sup>2</sup> Because said memorandum is 65 pages long, undersigned counsel had to divide it into five attachments in order to be able to electronically file it on CM/ECF.

**Certificate of Service**

Undersigned counsel certifies that on May 28, 2013 this motion was electronically filed with the Clerk of Court using CM/ECF, and it was electronically transmitted to all counsel of record.

/s/ Ronald S. Chapman  
Ronald S. Chapman