

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, as Next Friend, on behalf of
Unnamed U.S. Citizen in U.S. Military Detention,

Petitioner,

v.

GEN. JAMES N. MATTIS,
in his official capacity as SECRETARY OF
DEFENSE,

Respondent.

No. 17-cv-2069 (TSC)

**PETITIONER'S RESPONSE TO RESPONDENT'S
NOVEMBER 30, 2017, 5 P.M. FILING**

Petitioner American Civil Liberties Union Foundation respectfully submits this response to Respondent's November 30, 2017, 5 p.m. filing (ECF No. 18).

Respondent's filing confirms that the unnamed U.S. citizen detainee in this action has expressed his desire to consult with an attorney. For the reasons stated previously, Petitioner believes that the Court should direct Respondent to provide ACLUF attorneys with immediate unmonitored access to this U.S. citizen to provide him legal advice and afford him the opportunity of legal representation. Alternatively, and for the reasons also stated previously, should the Court still find the record insufficient to order counsel access now, Petitioner believes the Court should make the additional inquiries it suggested during today's hearing to resolve any remaining uncertainty regarding the U.S. citizen detainee's wish to seek habeas corpus relief in this Court.

Specifically, Petitioner respectfully suggests that Respondent be ordered to present to the detainee the following information, in a language the detainee can understand, and in an atmosphere free from coercion, pressure, or discouragement, and to file with the Court by December 4, 2017, the detainee's answers to the following questions:

1. As an American citizen, you have the right to ask a United States court to decide whether your detention by U.S. armed forces is lawful and to order your release if the detention is unlawful. The way to ask a court to do that is by filing a petition with the court. Do you want to file a petition with a United States court so the court can decide whether your detention by U.S. armed forces is lawful?
2. Do you want the opportunity to communicate with a U.S. lawyer confidentially, without government interference, about filing a petition with a U.S. court?
3. An American not-for-profit legal organization called the American Civil Liberties Union Foundation has already filed a petition in a U.S. court on your behalf, challenging the legality of your detention. It has asked a court to order the United States government to provide its lawyers with access to you in order to advise you of your rights and to offer you the opportunity of legal representation. Would you like to communicate with lawyers from the American Civil Liberties Union Foundation, who would represent you free of charge? If not, would you like to communicate with a different lawyer appointed by the court to represent you, also free of charge?

Petitioner further suggests that any such order be tailored to ensure that the detainee has the ability to understand the questions and to respond to those questions in his own language, if other than English, and that any questions posed by the citizen are forwarded to the Court in the first instance.

Dated: November 30, 2017

Respectfully submitted,

/s/ Hina Shamsi

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