

# Palestinian-American professors victimized: An attack on academic freedom and free speech

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Pressured by the Bush administration and the Florida state government, headed by the president's brother Governor Jeb Bush, the University of South Florida (USF) is moving to revoke the tenure of Dr. Sami Al-Arian and fire him for his pro-Palestinian views. Al-Arian is a computer engineering professor employed at the university since 1986. He was suspended with pay at the Tampa campus shortly after the September 11 terrorist attacks.

On Wednesday, August 21, USF filed suit in a Florida court against the professor, seeking "declaratory relief," a judicial determination that the university has the right to fire Dr. Al-Arian and that the firing does not violate the victim's constitutional rights. This type of suit has sometimes used by individuals, but never before by a university. Such lawsuits could be used to bankrupt individual faculty members with legal fees.

One day later, the professor's brother-in-law, Dr. Mazen Al-Najjar, was expelled from the US. Dr. Al-Najjar had once been an adjunct professor at USF. He was locked up in 1997, charged under "secret evidence" laws enacted under the Clinton administration, released in 2000 when a court ruled the procedure unconstitutional, then detained again last November.

According to Roy Weatherford, president of the faculty union at the university's Tampa campus, the latest move by a university to sue one of its own faculty is unprecedented. Weatherford has asked the university to pay for Al-Arian's legal costs up front, and has said that if the professor is fired the faculty organization would finance the defense of his job.

The union's parent group, the American Association of University Professors (AAUP), issued a statement the day after the lawsuit was filed which read, in part: "We are stunned that a university would take one of its own faculty members to court on an academic freedom issue." It went on to note: "Pre-suing' faculty members as part of an effort to dismiss them is an extremely rare tactic, with ominous and chilling portents for academic freedom."

Al-Arian was suspended from his teaching duties at USF after appearing as a guest on "The O'Reilly Factor," a Fox News television program, following the attack on the World Trade

Center in New York. He was invited as a representative of a group lobbying against the use of secret evidence in deportation hearings like that of his brother-in law, Al-Najjar. Instead of discussing the campaign, the host accused Al-Arian of having ties to terrorism, dredging up allegations that had been thrown out of court more than a year earlier.

E-mail threats and demands from donors and alumni that Al-Arian be fired followed. The professor was suspended from teaching duties, allegedly for security reasons—i.e., not that he was a danger to security, but that his political views had caused threats to the university. The university's Board of Trustees voted at an emergency meeting in December to recommend Al-Arian be fired, and USF President Judy Genshaft then sent Al-Arian a notice of her intent to dismiss him.

The United Faculty of Florida (UFF), Al-Arian's union, challenged the university's argument. It said: "USF was disrupted by people who made threats against Al-Arian. It is monstrous to hold a man responsible for the misconduct of his avowed opponents, and the precedent set could encourage a spiral of terrorism that could bring American Academia to its knees."

Genshaft delayed the final termination notice after Al-Arian's lawyer replied to the university's charges. The AAUP warned the university administration that if it went ahead with the firing, the national faculty union would censure the university. A commission from the AAUP had investigated the charges against Al-Arian in March of 2002 and in an interim report recommended the university rehire him and restore his teaching duties by the summer or fall semester of 2002.

USF was censured for four years in the 1960s after official harassment of a political science professor. Many professors will not accept a position at a censured university, making it more difficult to attract quality faculty. The USF Faculty Senate voted early in the year not to support Genshaft's decision to fire Al-Arian.

The American Federation of Teachers and the AAUP, national affiliates of UFF, issued statements over the summer opposing the firing. The attack on democratic rights has been criticized by civil rights organizations nationwide. In recent

days, thousands of signatures have been added to an online petition. Right-wing groups and Republican politicians, including Governor Jeb Bush, have publicly demanded Al-Arian's immediate firing.

The university administration has sought to square the circle by getting a judicial declaration that it is not violating the First Amendment by dismissing Al-Arian, even though it is a public institution taking action, the dismissal has not been provoked by any professional or personal misconduct on the part of the professor, and is solely on the basis of his expressed political views about the Palestinian crisis.

In announcing the lawsuit against Al-Arian, Genshaft issued a statement saying: "I believe Dr. Al-Arian has abused his position at the university and is using academic freedom as a shield to cover improper activities." She referred to the statement by the United States attorney's office in Tampa saying that Al-Arian was still under investigation. Such an admission by the Justice Department is highly irregular.

Charges of supporting terrorism were initially made in connection with the World and Islam Studies Enterprise (WISE) at USF. Al-Arian and Mazen Al-Najjar, who once taught Arabic classes at USF, were instrumental in the founding of WISE. In 1994 a network television special contained unsubstantiated accusations that Al-Arian had connections to terrorism. The FBI searched Al-Arian's home and the offices of WISE, and seized the assets of the Islamic Committee for Palestine (ICP), an organization independent of the university that Al-Arian had founded. No criminal charges were ever filed against either of the men.

In fact, a USF investigation led by former American Bar Association president William Reese Smith Jr. said WISE was an asset to the university, and the former president of USF cleared the group.

According to Dr. Al-Arian, WISE was set up to counter the writings of Professor Samuel Huntington of Harvard University, author of *The Clash of Civilizations*, which argues that Islam represents a rival civilization intrinsically hostile to the United States. Huntington is one of the signatories of the essay "Why We are Fighting," circulated by academics who support the Bush administration's attack on Afghanistan.

Al-Arian has explained that the words "Death to Israel," which he said at a rally in the US at the time of the first *intifada* in the late 1980s, one of the "allegations" central to the witch-hunt, were misinterpreted. He said it meant death to an oppressive government, not support for violent acts against civilians. Al-Arian has repeatedly denounced any targeting of innocent civilians.

In an opinion column published in the *St. Petersburg Times* a few days after learning he was the target of a USF lawsuit, Al-Arian reasserted his personal history and his views on the Middle East conflict. He described alternatives for the Palestinian cause: "I've always preferred—a bi-national, non-sectarian state. Palestinians would become full citizens and

enjoy the same rights as Jews: one person, one vote as happened in South Africa. In addition, this would solve the right of return problem, as the one state would easily accommodate the return of refugees as well as Jews, the world over."

The case of Mazen Al-Najjar was based on the assertion that association with groups the authorities designate as terrorist made him a security threat. This kind of charge has now been codified in the Patriot Act in order to open the way for excluding or deporting people from the US for ideological reasons, flouting the right to freedom of speech and expression.

In May 2000 Al-Arian's wife Nahla, who is also Al-Najjar's sister, testified before the House Judiciary Committee in support of a house resolution entitled Secret Evidence Repeal Act. The bill had support from more than a hundred members of the US House of Representatives.

In her testimony, Nahla described her brother's then four-year-long ordeal as Kafkaesque. In her testimony she revealed that when the FBI in Tampa questioned him in 1997 he was offered residency and citizenship if he would act as an informant. It was when he refused that he was accused with secret evidence and his long years of imprisonment began.

Using new powers under the 1996 Anti-Terrorism and Effective Death Penalty Act passed during the Clinton administration, Al-Najjar spent three-and-a-half years in federal prison before he was ordered released by Judge McHugh in December 2000. Later in 1996 government powers were expanded to allow the use of secret evidence to deport lawful permanent residents. The Patriot Act, passed last year, allows the government to hold non-citizens on the basis of secret evidence indefinitely, using multiple six-month extensions.

Although Al Najjar had been a resident of United States for over two decades, the INS locked him up a second time in November 2001. With his requests for permanent residence status exhausted they were able to sidestep the issue of secret evidence. They held him while arranging his deportation based on overstaying his student visa. The deportation of Al-Najjar ended seven months of solitary confinement. He was whisked aboard a corporate jet and taken to Lebanon. His family had been told he would fly on a commercial airliner to Bahrain. Officials in Bahrain reportedly refused to accept him, even though he had been granted a six-month tourist visa for that country.

Al-Najjar, like millions of Palestinians born after 1948, has no rights of citizenship and no passport from any country. He is staying with relatives in Lebanon, but without a visa for that country it is not clear how long he will be able to remain.



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