

A monstrous attack on democratic rights

US government mounts conspiracy frame-up of Palestinian activists

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The indictment and arrest February 20 of University of South Florida (USF) Professor Sami Amin Al-Arian and three other men on terrorist conspiracy charges is an outrageous attempt to railroad individuals to prison because of their political opposition to the murderous policies of the Israeli government and Washington's complicity in the repression of the Palestinian people.

Also arrested in Florida were Sameeh Hammoudeh, a USF instructor, and Hatim Naji Fariz. Ghassan Zayed Ballut was arrested in Illinois.

In addition to the four men arrested in Florida and Chicago, four others living in the Middle East were indicted. Among those charged is Abd All Aziz Awda, a resident of Gaza and a founder of Islamic Jihad. Abd All Aziz Awda is a member of the Palestine National Council.

In the guise of the so-called "war on terrorism," the Bush administration is employing state repression to intimidate and silence political speech and expression that is expressly protected under the US Constitution's Bill of Rights. It is seeking to criminalize political opposition to the policies of the US government and its ally, Israel. In so doing, it is utilizing sweeping and unconstitutional powers of police surveillance sanctioned by the USA Patriot Act, which was passed in the aftermath of the attacks of September 11, 2001.

In a case concocted entirely on the basis of guilt by association, the government has employed methods that 18 months ago would have been thrown out of court as violations of constitutional protections. The arrest of Sami Amin Al-Arian and his three co-defendants marks a major escalation in the Bush administration's attack on basic democratic rights.

Al-Arian, who has steadfastly denied any involvement in terrorism, told reporters as he was being led away in handcuffs, "It's all about politics." His attorney, Nicholas Matassini, said, "He's a political prisoner right now as we speak." He described the indictment as "a work of fiction" and added that his client, who has diabetes, had launched a hunger and medicine strike to protest his arrest.

The 50-count indictment handed down Thursday makes it clear that the government was engaged in spying on legal activities carried out by Al-Arian and the others for at least 15 years without finding anything to justify an arrest. It has decided to act now for two central reasons.

First, the arrest and prosecution of Al-Arian and his codefendants are being carried out at the behest of the right-wing Israeli government of Prime Minister Ariel Sharon. The indictment, which alleges that the four provided support for the Palestinian Islamic Jihad organization, is designed to silence all supporters of the Palestinian cause.

The arrests in Florida and Chicago came in the midst of a bloody crackdown by Israeli military forces against the 3.5 million Palestinians in the occupied West Bank and Gaza Strip. In a rampage of death and destruction, the Israeli Defense Forces killed 35 Palestinians in the past week and wounded scores more. In Gaza, they erected barriers to

internally divide the impoverished territory to make it easier to suppress the population.

While railing against "terrorism" and invoking alleged Iraqi violations of UN weapons inspections procedures as grounds for war, the Bush administration has solidarized itself completely with Israel's state terror against the Palestinian population, and ignored the Sharon regime's ongoing violation of UN resolutions demanding an end to the Israeli occupation.

Never has there been a US administration so intimately tied to the Israeli right. Two of the most influential figures in the Pentagon—and key architects of the impending war against Iraq—are Richard Perle, head of the Defense Policy Board, and Douglas Feith, the Defense Department's Undersecretary of Policy. Together in 1996 they wrote an advisory document for incoming Likud Prime Minister Benjamin Netanyahu, urging an end to the Oslo negotiations with the Palestinians. Feith went further, calling for the reoccupation of the entire West Bank and Gaza Strip, noting that "the price in blood would be high," but worth it. While Netanyahu failed to take the advice, Sharon seems to be embarked on just such a project.

Another vocal supporter of right-wing Zionism, Elliot Abrams, notorious for his felony conviction for lying to Congress about the Reagan administration's illegal support for the Nicaraguan "contras," has been tapped as the director for Near East affairs on the National Security Council.

Ironically, one of the charges leveled against the Palestinian defendants is that they encouraged "violent attacks designed to thwart the Middle East Peace Process," precisely the posture adopted by leading members of the Bush administration itself.

If support for the Middle East "peace process" were the real aim of the indictment, there are any number of more prominent targets the government could pick, including right-wing Zionist organizations that funnel millions of dollars annually to violent Israeli settler organizations engaged in terror against the Palestinians, with the aim of driving the entire population out of the occupied territories.

Significantly, the indictment against Al-Arian and his codefendants includes a paragraph that, while noting the existence of the occupied territories, goes on to declare, "All reference in this indictment to Israel includes Israel and the Occupied Territories." This is not merely a matter of semantics or legal brevity (not otherwise evident in a 120-page bill of charges). It is a political statement legitimizing Israel's occupation and its crimes against the Palestinians, while criminalizing any form of resistance to the Zionist state.

The arrests came in the wake of press reports that Sharon had given the green light to Mossad, the Israeli spy agency, to carry out assassinations of Palestinian leaders in both the US and Western Europe. Washington

may well want to avoid such a blatant act of Israeli state terrorism on the eve of its invasion of Iraq. Such high-profile arrests could be aimed at placating the Israeli regime before it carries out state killings on American soil.

The second motive behind this political prosecution is the government's desire to intensify the attack on democratic rights at home. Attorney General John Ashcroft bragged that the government was able to put its case together thanks to the USA Patriot Act.

Key to this prosecution is the Patriot Act's attack on Fourth Amendment protections against arbitrary police spying, searches and seizures. The act broke down the legal "wall" between the use of wiretaps for spying on alleged agents of foreign powers and alleged terrorist organizations, and the use of information obtained through such surveillance in criminal cases.

The courts have held that law enforcement authorities must demonstrate probable cause that a crime is being committed to secure a warrant authorizing a wiretap in a criminal case. Under the Foreign Intelligence Surveillance Act (FISA), however, wiretaps have been allowed against "foreign agents" on far less substantial grounds—with the proviso that the evidence gained through such surveillance could not be used in a criminal prosecution.

The present indictment contains hundreds of references to telephone conversations and faxes that were apparently intercepted using warrants obtained under FISA. By making such evidence the centerpiece of the prosecution, the Justice Department is setting up a test case to establish its right to ride roughshod over the Fourth Amendment in the name of the "war on terrorism." In all probability, the US Supreme Court will be compelled to rule on the constitutionality of using such evidence in a criminal prosecution.

In addition to the wiretap material, much of the government's case rests upon public political statements made by the defendants, including decade-old pronouncements calling for the destruction of the Israeli state or referring to the US as the "Great Satan."

Whatever one thinks about the content of such statements, they are precisely the type of speech protected by the First Amendment of the US Constitution. Thus, the indictment marks a watershed in the government's attempt to criminalize free speech.

The targeting of Al-Arian may well be directly related to his own vocal denunciations of the Justice Department's methods in the roundup of immigrants after September 11, 2001. In a letter to Ashcroft he wrote: "Under international law, even in times of emergency, certain basic rights may not be suspended, including the right of every person not to be subjected to arbitrary detention, torture or other cruel, inhuman or degrading treatment or discrimination on the grounds of race, color, sex, language, religion or social origin."

As to the substance of the charges, they hinge entirely on guilt by association. Acts of violence in the occupied territories and Israel are attributed to unnamed "associates" of Islamic Jihad. Nothing is offered, however, directly linking any of the defendants to these actions.

There are innumerable references to bank transfers and other financial transactions that in no way demonstrate illegal activity. There is no evidence presented that any of these funds went to pay for terrorist actions. At most, the government presents alleged conversations suggesting that money raised in the US went to support relatives of Palestinian militants either killed or jailed in the *intifada*.

The indictment also creates an unsupported amalgam of Islamic Jihad and the academic institutions in which Al-Arian was active at the University of South Florida, where he was a tenured professor of computer science and engineering. Indeed, it describes the entire university as "an institution where some of their members could gain cover as teachers or students." Al-Arian, who has been a resident of the US since 1975, had taught at the university for 16 years.

Federal authorities jailed Al-Arian's brother-in-law, Mazen Al-Najjar, a former adjunct professor at the University of South Florida, for three-and-a-half years based on a minor immigration charge, claiming it had "secret evidence" linking him to terrorism.

At the heart of the alleged evidence against Al-Najjar was the claim that the World and Islam Studies Enterprise (WISE), which he and Al-Arian established at USF, was a front for Islamic Jihad. In 2000 a federal judge ruled that the government could not hold Al-Najjar any longer on secret evidence. Immigration Judge Kevin McHugh then threw out the charge, saying that the evidence indicated that WISE was a "reputable and scholarly research center and the [Islamic Concern Project] ICP was highly regarded." Both WISE and ICP are named in the new federal indictment as part of the alleged terrorist and racketeering "enterprise."

It is worth noting that even if the government's evidence is accepted as good coin, many of the offenses with which the defendants are charged were not even crimes at the time they were supposedly committed.

Some 50 pages of the indictment deal with telephone conversations, statements and other communications that occurred before 1995, when President Bill Clinton used the Oklahoma City federal building bombing as a pretext to impose a legal ban on Palestinian groups charged with terrorist activities.

While charging the defendants with "conspiracy to murder, maim or injure persons at places outside the United States," the indictment at most indicates that the defendants found out—after the fact—about attacks for which Islamic Jihad claimed credit or the arrest of the group's members in the occupied territories. There is no evidence offered that they entered into any agreement to further acts of violence, the essential prerequisite for proving such a conspiracy.

It is clear that Ashcroft wrote the indictment not with the law or the courts foremost in his mind, but rather the media. He knew they would ignore the holes and contradictions in his arguments and initiate a new frenzy about "terrorist cells" in the US, thereby promoting the government's policy of war abroad and repression at home.

The federal persecution of Al-Arian and his associates has gone hand-in-hand with a massive media witch-hunt that resulted in death threats to the professor and prompted a cowardly USF administration to seek his firing.

The prosecution is of a piece with the nationwide roundup of innocent Muslim and Arab immigrants in the wake of September 11. It is designed not to combat any real terrorist threat, but to persecute political scapegoats.

It is now fully 18 months since the terrorist attacks in New York and Washington, and not a single one of those caught in the dragnet carried out after September 11 has been charged with direct participation in those events. There has been no independent investigation into what actually occurred on that day, nor any accounting given to the American people for the complete failure of the government to either warn of the attacks or take any action to halt them once they began.

The same is true for the second major terrorist attack in the US that occurred beginning just weeks later—the anthrax letters that were delivered to the offices of leading Democratic lawmakers in Washington, claiming the lives of two postal workers and sending others to the hospital. All the evidence in that case points to the anthrax having been taken from a US military bio-weapons lab. The possible suspects consist of a very narrow group of military scientists and intelligence agents with access to such materials. Yet no arrests have been made, nor has any report been presented.

The same government that is engaged in a cover-up of these real acts of terrorism is now using the so-called "war on terrorism" to go after men like Al-Arian, who have been indicted for political speech and opposition to the policies of the US government and the state of Israel.



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