

# A University's Dilemma in the Age of National Security

by Greg McColm and Sherman Dorn

Federal agents arrested University of South Florida (USF) Professor Sami Al-Arian early in the morning of Feb. 20, 2003, on 50 counts of racketeering, perjury, and immigration fraud.<sup>1</sup> That noon, U.S. Attorney General John Ashcroft held a press conference announcing the arrest, and by evening Agence France Presse, Associated Press, CNN, MSNBC, NPR, Reuters, and UPI had reported the story. Six days and hundreds of news stories, opinion pieces, and talk show segments later, University of South Florida President Judy Genshaft fired Al-Arian, contending that he was being dismissed for his conduct, not his speech. He had been on suspension from the university for 17 months, ever since Bill O'Reilly grilled him on the *O'Reilly Factor* about his past inflammatory statements and allegations that he had helped finance terrorism.

The indictment and firing capped a public confrontation between an activist professor and a university administration that claimed academic freedom was not at issue in its various attempts to fire the professor. The 2003 indictment, listed 255 "overt acts" spanning more than a decade.<sup>2</sup>

The central accusation since 1994 has been that Al-Arian assisted the Palestinian Islamic Jihad (PIJ) by raising money and obtaining visas for PIJ members.<sup>3</sup> Such assistance became illegal in 1995. Al-Arian has consistently denied the

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charges, while a spokesman for the PIJ contended that Al-Arian had been a member, but quit before 1995.<sup>4</sup> The 2003 arrest and current trial have overshadowed the original concerns about academic freedom and faculty governance that Al-Arian's case had raised. But before his arrest, attention centered on the university, and the events of the decade preceding his arrest and firing reveal much about the effects that external pressures can have on the academy.

The seeds of the Al-Arian controversy were planted in the early 1990s when an ambitious but underfunded university attempted to launch a Middle Eastern stud-

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ies program on the cheap by relying on an off-site think tank to provide teaching staff and expertise. External pressure and a scandal ended the initiative, but the endeavor left the university politically vulnerable when storm clouds gathered around Al-Arian after 9/11. As the storm broke, the administration floundered, hunkered down, and excluded the faculty senate and the faculty union (the United Faculty of Florida) from any significant role in its deliberations. As a result, the administration alienated the faculty and seriously compromised academic freedom.

The union and the senate responded in different ways to the situation, both organizations pressuring the administration to adhere to due process and protect academic freedom. Their defense of faculty rights during the crisis established a working relationship between the senate and the union that avoided turf battles and other hazards as they negotiated a perfect storm of tandem attacks on academic freedom and collective bargaining rights. After Al-Arian's arrest and dismissal, that activism continues, and many of the issues between the faculty and the administration have since been resolved. But the external political pressure on academic institutions remain, not just at USF but at other campuses in Florida and elsewhere, and how universities respond to this pressure continues to be a concern.

**S**ami Al-Arian arrived at the USF Department of Computer Science and Engineering in 1986.<sup>5</sup> An expert in circuit design and testing, he published more than 40 papers during the next 14 years—a respectable number—and was awarded (sometimes with co-applicants) over a million dollars in grants. He also won two major teaching awards and was awarded tenure in 1992. When he was

not working on circuit design, he helped run a mosque and a day school. An ethnic Palestinian born in Kuwait, and thus not legally a citizen of any nation,<sup>6</sup> he had been a pro-Palestinian activist since the early 1980s, and he continued his activities after his arrival at USF in Tampa, Florida.

During the 1987–93 “Intifada,” he created an Islamic Committee for Palestine and an affiliated Islamic Concern Project (both ICP), which held annual conferences around the nation. He also attended pro-Palestinian rallies, and there are videotapes of him at two of these making inflammatory statements like “Death to

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Israel!” While he later claimed that he meant *death to Israeli oppression*, and that only figuratively, many observers were disturbed by the speeches and were unconvinced by the explanations.<sup>7</sup> It is these speeches and the people with whom he appeared in public that first got him into trouble in the mid-1990s.

In 1991, Al-Arian helped found a think tank called the World and Islam Studies Enterprise (WISE). WISE was small—its budget ran a bit over \$ 100,000 per year and it had one or two staff members. It published an Arabic journal on Mideastern and Islamic affairs and organized conferences.<sup>8</sup> The WISE office was just a mile from USF, so USF quickly became interested. That interest came in part from the institutional ambitions of USF administrators. In 1989, USF President Francis Borkowski had announced that by 2001, USF would be one of the top 25 public universities in the nation.<sup>9</sup> Because the first Gulf War’s command center was at MacDill Air Force Base (less than 20 miles from the Tampa campus), and because there had been an influx of Muslims into the Tampa Bay area over the 1980s and 1990s, one ambition was to develop a center for Middle Eastern studies. But there was no funding for such a center. Thus, the appearance of WISE was an irresistible opportunity, and in 1992, USF and WISE signed an agreement to run some joint conferences, invite some scholars to visit campus, and provide adjuncts to teach courses at USF.<sup>10</sup> WISE did not have much money, but it had contacts and a small staff, and it could provide cheap instructional labor. It is not clear what Al-Arian’s relationship to WISE was during this period.

Then on November 21, 1994, PBS broadcasted Steve Emerson’s *Jihad in*

*America*, which described extremist pro-Arab, anti-American, and anti-Israeli activities in America, largely taking the form of incendiary speeches and fundraising. Emerson alleged that some of the cash raised was destined for terrorist activities, and certainly a few of the people shown were terrorists. And Emerson spent several minutes on Al-Arian, claiming that his Islamic Committee for Palestine supported the Palestinian Islamic Jihad. There was little public reaction to the broadcast, but the barometer was falling. The FBI quietly contacted the USF administration to discuss Al-Arian and several other associates of WISE, includ-

The Tampa Tribune *published a two-part investigative series on WISE, alluding to possible involvement of Al-Arian with the Palestinian Islamic Jihad.*

ing Al-Arian's brother-in-law Mazen Al-Najjar and the then-director of WISE, Ramadan Abdalla (both of whom had served as adjuncts at USF). In 1995, Abdalla left Tampa, ostensibly on family business. In May 1995, the *Tampa Tribune* published a two-part investigative series on WISE, the Islamic Committee for Palestine, and USF, alluding to possible involvement of Al-Arian and WISE staff with the PIJ and its competitor, HAMAS.<sup>11</sup>

USF's then-president Betty Castor responded by killing the agreement between USF and WISE. She then launched an investigation headed by former interim USF president William Reece Smith, Jr. But winds rose from the Middle East: Palestinian Islamic Jihad co-founder and leader Fathi Shikaki was assassinated and replaced by former WISE director Abdalla, now using the name Ramadan Shallah.<sup>12</sup> In November 1995, the FBI seized boxes of documents from Al-Arian's office and home.<sup>13</sup> WISE folded, and Castor placed Al-Arian on leave while Smith's investigation proceeded into the relationship between USF and WISE.

This first storm of investigations dissipated. The FBI never reported its findings to USF administrators, Smith's report found nothing seriously at fault in USF's actions, the press reports dried up, and in 1998, Al-Arian reported back to the classroom.<sup>14</sup> He continued his activism, branching out to civil liberties and electoral politics (he strongly supported George Bush's 2000 presidential campaign) after his brother-in-law Al-Najjar was arrested and detained for alleged visa violations. Meanwhile, without sufficient faculty or resources, USF retreated from

its attempt to create a Center for Middle Eastern Studies, and the curricular situation now is largely unchanged from 1989.<sup>15</sup>

Fifteen days after September 11, Al-Arian appeared on the Fox News *O'Reilly Factor*, where he had been told he would be discussing Muslim affairs in the United States after the attacks on New York and Washington. Instead, he faced harsh questioning by O'Reilly, who played tapes of Al-Arian's old speeches and asked Al-Arian to explain the connection between WISE and terrorism. O'Reilly called USF "a hotbed of support for Arab militants," and concluded by telling Al-

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Arian that "if I was the CIA, I'd follow you wherever you went."<sup>16</sup> Within hours, Al-Arian's computer science and engineering department was closed because of a threatening phone call, and the next day Al-Arian was put on paid leave.<sup>17</sup> For the 96 days from Al-Arian's appearance on the *O'Reilly Factor* to the USF Board's public decision to recommend dismissal on December 19, 2001, Lexis-Nexis lists 80 articles on the controversy published in Florida alone, not counting four additional segments about Al-Arian on the *O'Reilly Factor* and one on *Dateline*.

At first, USF President Judy Genshaft, who had become USF president in July 2000, defended academic freedom, while the faculty senate condemned death threats made against Al-Arian and President Genshaft. The senate supported Genshaft's decision to place Al-Arian on leave, although the minutes reflect a concern about returning to normalcy.<sup>18</sup> The president of the local chapter of the faculty union, Roy Weatherford, led a delegation to consult with Genshaft, and on November 1, 2001, a "Statement on Academic Freedom," signed by 28 union members, appeared as an advertisement in the *USF Oracle*.<sup>19</sup> But in the face of public controversy, and quiet pressure from the board, the administration's position towards Al-Arian grew more hostile.<sup>20</sup> During November, the USF administration banned Al-Arian from any campus visits while Board of Trustees Chairman Dick Beard consulted with the FBI and another trustee worked on dismissing Al-Arian.<sup>21</sup>

On December 19, 2001—during winter break, and one month after Al-Arian's brother-in-law Al-Najjar was arrested for immigration law violations<sup>22</sup>—

the USF Board of Trustees met and recommended Al-Arian's dismissal. Within hours, Genshaft announced an intention to dismiss Al-Arian, and a Letter of Intent to Terminate was in the mail.

Reasons given for dismissal included these charges: that Al-Arian had not made it adequately clear during his appearance on the *O'Reilly Factor* that he was speaking for himself, not for USF; that his presence on campus was a focus for disruption by potentially violent opponents, posing a security problem; that he had visited campus after allegedly being told not to; and that donations to the univer-

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sity had dropped and donors and officials had expressed dismay at Al-Arian's affiliation with USF. But they did not include allegations of financing terrorism.

International and local reaction was intense. *The Atlantic*, *48 Hours*, the (U.K.) *Guardian*, the *New York Times*, *Time*, and *The Washington Post* covered the dispute, while public figures from the American Association of University Professors to Governor Jeb Bush made comments. Meanwhile, the faculty senate and the faculty union held emergency meetings. In late December, Faculty Senate President Greg Paveza arranged for presentations by the administration, a response by Al-Arian (via speakerphone), and a presentation on the history of academic freedom at an emergency meeting on January 9. Also in December, the local chapter of the United Faculty of Florida mailed an information packet to all faculty in the bargaining unit and announced an emergency meeting for the day after the faculty senate meeting.<sup>23</sup> At the emergency faculty senate meeting, a substantial majority voted against a motion to support the administration's move to dismiss Al-Arian.<sup>24</sup> At the emergency union meeting, the union chapter resolved to defend Al-Arian's due-process rights.<sup>25</sup> In addition, during 2002, the union chapter sponsored a lecture series on academic freedom, with historian of McCarthy-era repression Ellen Schrecker; Thomas Jefferson Center Director Robert O'Neil; historian of faculty unionism Philo Hutcheson; SUNY Purchase President Sheldon Grebstein; a victim of 1960s attacks on academic freedom at USF; and a panel discussion of those 1960s attacks, chaired by faculty union chapter president Roy Weatherford.<sup>26</sup>

In general, the union chapter loudly and consistently supported Al-Arian's academic freedom and due process rights while declining comment on Al-Arian's statements and actions. This distinction was respected by many faculty, and the chapter enjoyed a sudden influx of members and activists. Other faculty were alienated, and a few quit the union. Among union members, views ranged from support of his cause as well as his rights, to disdain for his methods, to disdain for his cause. The senate was similarly divided and never agreed on any resolution on his case, although it did make considerable progress winning procedural reforms.

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Nevertheless, during this tempest, membership density in the union at USF approximately doubled, while off campus, the distinction between supporting Al-Arian's rights and supporting Al-Arian was regarded as naive, if not disingenuous.

In the face of opposition from the senate and the union, as well as criticism from the local and national press and a looming investigation by the AAUP, the USF administration vacillated. In rapid succession, the administration announced that it had not actually fired Al-Arian;<sup>27</sup> that it would decide whether to fire him by February 1, 2002;<sup>28</sup> that it would decide whether to fire him sometime after a mid-March visit by an AAUP investigative team;<sup>29</sup> that it would decide whether to fire him by August 2002;<sup>30</sup> and then, in August 2002, filed a lawsuit asking a court if it would object to USF firing Al-Arian.<sup>31</sup> (The court objected to being asked and dismissed the case.<sup>32</sup>) All this agonizing reflected not only the immense pressures on the university, but also that the administration had been caught at an awkward moment.

When Al-Arian appeared on the *O'Reilly Factor* in September 2001, Florida's State University System was already in turmoil. After several collisions between the Board of Regents and the legislature, Governor Bush and the legislature reformed the educational system by, among other things, abolishing the centralized and politically insulated Board of Regents, and creating for each university its own Board of Trustees, appointed by and serving at the pleasure of the Governor.<sup>33</sup> The new boards Bush appointed consisted largely of politically active

businesspeople. USF's Chairman of the Board Richard Beard is a founder of a Dallas-based commercial developer, the Paragon Group (Beard has been called "the guru of Tampa Bay commercial real estate"<sup>34</sup>), and he led an unsuccessful effort to bring the 2004 Republican National Convention to Tampa. The other members of the new Board of Trustees at USF were five senior corporate executives, two lawyers, another realtor, one doctor, one retired U.S. senator, the president of the USF Student Government, and one university president. Thus, when the Al-Arian controversy reignited after September 11, USF was under the uncer-

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tain authority of a recently appointed Board of Trustees, and a president, Judy Genshaft, still new enough in the job not to have developed a political base in Florida.<sup>35</sup>

Genshaft was involved intimately in the Al-Arian case from his September 28 suspension onward. She didn't launch any formal investigation but during much of the crisis spent a significant amount of time seeking views of selected faculty, staff, students, community leaders, pressure groups, politicians, and others, but not the senate or the union.<sup>36</sup> As this continued into spring 2002, the local media came to see her consultations as indecision. Many faculty were not impressed by a process that reduced them to a role of speaking when spoken to and were not moved by periodic reassurances that Al-Arian was a special case.<sup>37</sup> Meanwhile, with the senate and the union actively concerned, and amidst freedom forum speakers and AAUP visits, the rationale for dismissal shifted. The justification for the firing because of complaints by donors and threats to the university attracted a lot of negative commentary and disappeared, while the rationale that Al-Arian was involved in terrorism gained much ground by summer 2002.<sup>38</sup>

The senate and the union regarded the Al-Arian affair as an academic freedom issue. But during the later part of 2002, the administration refused union requests to bargain a successor contract to the 2001–03 United Faculty of Florida contract expiring January 7, 2003, and the union began to warn faculty that without a contract, many of the protections that they took for granted—including academic freedom—could disappear.<sup>39</sup>



Effective January 7, the administration withdrew recognition of the union and declared itself no longer bound by the terms of the collective bargaining agreement. The refusal to recognize the UFF contract relegated the status of academic freedom to a collection of "Emergency Rules" that the Board had hastily promulgated in November 2002. These rules included a set of broad definitions of faculty misconduct, including the alleged refusal to obey oral instructions.<sup>40</sup> The faculty senate responded by creating a committee that reviewed and proposed revisions to the Emergency Rules, not only to protect academic freedom but also to advance ini-

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tiatives the Board might otherwise have rejected, such as non-discrimination based on sexual orientation.<sup>41</sup> The union filed an unfair labor practice charge against the Board of Trustees for withdrawing recognition as well as a grievance against the Emergency Rules.<sup>42</sup>

Reacting to this collective outcry, top administrators cooperated with the faculty senate committee, asked the Board to rescind the definitions of misconduct, apologized to the faculty, and, two months later in March 2003 voluntarily recognized the United Faculty of Florida as the collective bargaining representative for the bargaining unit that it had represented since the 1970s.

While 2003 saw the beginning of a resolution between the administration and the faculty on academic freedom and the union contract, it also saw the beginning of the next phase of the Al-Arian affair.

On February 20, 2003, Al-Arian was arrested for violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act, with ancillary charges as well. There was another hullabaloo, and during the following week the union received 50 e-mails, mostly hate mail.<sup>43</sup> On February 26, 2003, Al-Arian was *really* fired.<sup>44</sup> Soon after, his attorney announced that Al-Arian would use the process outlined in the Emergency Rules, rather than the union contract, to challenge his termination, declaring that the union was now "out of the loop."<sup>45</sup> The union's response was to issue a brief statement reminding the public of Al-Arian's right to a fair trial, and the senate did not officially react at all.<sup>46</sup> There have been no official contacts with the union since Al-Arian's arrest and firing, although there is now a

union contract in place. Al-Arian's legal case regarding his employment at the university has taken a backseat to his criminal trial.

One year after Al-Arian's arrest, the *USF Oracle* ran a retrospective<sup>47</sup> in which various leaders said that they understood each other better now. WFLA-TV8, which is affiliated with the *Tampa Tribune*, won the Edward R. Murrow award for its coverage of Al-Arian's arrest, and the *St. Petersburg Times* published a prospective article on the complexity of the case, noting that it would take two and a half years simply to play all the tapes.<sup>48</sup> Yet the greatest spectacle was to come, and is

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probably going on as this article goes to press. The trial that started this June is expected to last from four months to a year.

Al-Arian continues to receive national and international attention. Former HUD Secretary Mel Martinez used the Al-Arian controversy against former USF President Betty Castor in his narrowly successful campaign for the U.S. Senate. In court, the road to the trial was marked by squabbles over tapes, shredded documents, Hillsborough County's scandal-ridden courthouse, and prison conditions that attracted the international attention of human rights groups. It is unclear how a jury may weigh the evidence, but as of this writing, the British government has not been moved to extradite Al-Arian's alleged accomplice to America for trial.<sup>49</sup> It is unlikely that the verdict, whatever it is, will change many minds, and some questionable rulings suggest that appeals are quite likely. Without a guilty verdict, USF could well find itself back in the spotlight.

As for collective bargaining, during summer 2003, both sides organized teams to negotiate a new contract. Serious bargaining went on from early fall 2003 to the final Tentative Agreement of October 28, 2004. The new contract boasts several improvements over the old one, which can be attributed to the activism in both the senate and the union. On academic freedom, the senate had already won the fight to modify the Emergency Rules largely according to faculty wishes, and the new union contract included the stronger language that the faculty senate had won. On due process, the senate had been less successful, and the union persuaded the administration to accept a facsimile of the old contract's language after a

public confrontation at a Board of Trustees meeting. In the end, the protracted negotiations were largely about salary, and again the synergy of the faculty senate and the union led to progress in both salaries and faculty governance. The USF contract has become a potential template for agreements elsewhere.<sup>50</sup>


In conclusion, after September 11, 2001, USF was pounded by publicity for which the administration was unprepared, and it followed each *démarche* with another, escaping in the end only with the intervention of the federal government.

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This lack of grace under pressure may be symptomatic of what happens at universities in troubled times. (The USF administration was not alone in its indecision: the AAUP's Committee A ultimately did not recommend *any* action in response to Al-Arian's dismissal, and the executive council at AAUP and the 2003 annual meeting voted not to censure but instead to "condemn" USF.<sup>51</sup> )

Perhaps part of the problem was that USF is a new university, less than half a century old, and thus does not have the deep roots in its community that would provide the political connections, popular and alumni support, and institutional strength to withstand such a storm. And the fact that Al-Arian's brother-in-law was rearrested shortly before Al-Arian's initial dismissal and was deported during the filing of the lawsuit suggests that there may have been pressure even from Washington to get rid of Al-Arian.

But any conclusive insight into the case will probably not come until later. The Al-Arian case is far more complex than, say, the O.J. Simpson case. Each major development—the O'Reilly show, the dismissal, the lawsuit, the arrest—generated a greater noise than the last. As this article is appearing in print, an even greater spectacle—the trial—may have become an obsession for a nation anxious about terror. 

## ENDNOTES

- <sup>1</sup> The correct spelling is “al-Arian,” but we will follow the standard misspelling.
- <sup>2</sup> As happens occasionally in criminal trials, prosecutors have filed amended charges eliminating some of the original claims and adding new ones.
- <sup>3</sup> The Palestinian Islamic Jihad is one of several terrorist organizations calling themselves “Islamic Jihad.” It was organized during the 1980s as a breakaway group from the Muslim Brotherhood, an old organization that had fought Israel in the 1948 war but by the 1970s had turned to cultural and charitable efforts. (Thus by the late 1960s, Palestinian paramilitary operations were dominated by the left-wing Fatah and its largely secular allies of the umbrella “Palestinian Liberation Organization.”) Because of its inflexibility and its lack of support for charitable operations, the Palestinian Islamic Jihad has never achieved the popularity of the paramilitary group the Muslim Brotherhood launched in 1988, of acronym HAMAS. See Amr, Ziyad Abu, *Islamic Fundamentalism in the West Bank and Gaza*. Bloomington: Indiana U. Pr., 1994.
- <sup>4</sup> “Islamic Jihad rules out retaliation against U.S.,” *St. Petersburg Times*, February 22, 2003. There is a consensus that many members left the PIJ around 1993 when the peace initiatives by Israeli Prime Minister Rabin and PLO Chairman Arafat seemed to be working.
- <sup>5</sup> In 1987, he was listed as one of the “Outstanding Young Men of America.”
- <sup>6</sup> Kuwait does not automatically grant citizenship to children born within its borders, and Al-Arian did not become a citizen of Egypt during his stay there. He came to the United States in 1975, and did not succeed in gaining U.S. citizenship.
- <sup>7</sup> There are many excerpts of several tapes floating around, although the most popular appears to be a tape of the 1991 Chicago conference of the Islamic Committee for Palestine; the clip played on the MSNBC Phil Donohue show on August 22, 2002, portrayed Al-Arian saying (in Arabic): “God warns us in the Koran from the sons of Israel. And he cursed them. He cursed those who are the sons of Israel through David and Jesus, the son of Mary. Those people, God made monkeys and pigs. Jihad is our task. Victory to Islam, death to Israel.” (The notorious yet popular “monkeys and pigs” bit seems to be a reference to Qu’ran 5:62-63, which appears to be a warning to Jews of the fate of idolaters.) The FBI constructed a 13-minute composite from several tapes of several meetings that they seized from WISE, and this composite is the source of many of the quotes: see “Blaming the Victim? A university vows to fire a tenured professor facing death threats in the wake of September 11,” *Chronicle of Higher Education*, February 8, 2002. Tapes of the 1991 meeting started surfacing in the mainstream media in 1995, when the Tampa Tribune got one (see “Anti-Israel rally heard USF prof,” April 31, 1995), and the rationalizations have continued ever since (see “Sami Al-Arian, in his words,” *St. Petersburg Times*, February 21, 2003).
- <sup>8</sup> Initial funding came from the International Institute for Islamic Affairs, a Saudi-supported think tank with many scholarly and cultural activities, although it would later be accused of having links with Saudi terrorist organizations. WISE’s founding director, Khalil Shikaki had been introduced to the WISE project via conferences (rallies?) arranged by the ICP. He is an established expert on the Israeli-Palestinian conflict, and he left WISE in 1992 to return to Israel; in 1995, he became the founding director of the Center for Palestinian Research and Studies at Nablus, which is well-known for surveying Palestinian attitudes towards the peace process. Shikaki’s brother was the founding PIJ Secretary-General Fathi Shikaki, although Khalil is generally regarded as a non-participant in his brother’s activities.
- <sup>9</sup> “New USF president takes the podium,” *St. Petersburg Times*, February 16, 1988.
- <sup>10</sup> By the time USF and WISE reached their agreement, Shikaki had left and so the agreement was signed by WISE’s new director, Ramadan Abdalla, of which more later.
- <sup>11</sup> “Ties to Terrorists,” *Tampa Tribune*, May 28, 1995; “USF sees academic freedom where others see poor security,” *Tampa Tribune*, May 29, 1995. Incidentally, HAMAS and the Palestinian Islamic Jihad were not on particularly friendly terms: see Amr, Ziyad Abu, *Islamic Fundamentalism in the West Bank and Gaza*. Bloomington: Indiana U. Pr., 1994.

- <sup>12</sup> “USF knew of inquiry by FBI; Castor regrets Jihad incident.” *Tampa Tribune*, November 3, 1995.
- <sup>13</sup> “Professor’s home, office searched.” *St. Petersburg Times*, November 21, 1995.
- <sup>14</sup> See William Reece Smith, Jr., “Report to President Betty Castor: University of South Florida in re USF/WISE relationship and related matters,” University of South Florida, May 27, 1996; this is perhaps the most comprehensive source on Al-Arian’s activities before 1996. The only administrative problem that Smith identified concerned the payment of Al-Arian’s brother-in-law Al-Najjar’s adjunct salary. Al-Najjar’s visa status made it impossible for USF to pay his salary directly, so they paid WISE instead. The INS did begin serious proceedings to deport Al-Najjar in 1995, finally succeeding eight years later. For Al-Arian’s return to the classroom, see “Suspended USF professor returning.” *St. Petersburg Times*, May 17, 1998.
- <sup>15</sup> USF has a few faculty with some expertise in the Mideast or in Islam, but there still is no program as such.
- <sup>16</sup> Al-Arian faced O’Reilly one-to-one, and said relatively little, apparently finding it difficult to get a word in edgewise.
- <sup>17</sup> The immediate reaction included more than 100 negative e-mails and 14 threats referred to the police. See “University officials call emergency meeting to discuss professor.” *Associated Press*, September 27, 2001; “USF Puts Professor on Leave for Safety.” *Tampa Tribune* September 29, 2001.
- <sup>18</sup> Judy Genshaft—in “Controversy Demands that University Balance Freedom and Security,” *Tampa Tribune*, October 14, 2001—began by recognizing the anger of Al-Arian’s opponents but said, “the fact is there are no currently known grounds for firing Al-Arian”; she concluded by writing, “the truly great universities...remain focused on their core values during political turbulence and social upheaval...enduring freedom is built on the rule of law, on due process and on the belief that if people are free to speak, free to think and free to challenge, good ideas will triumph over the bad.” The motion is in the USF Faculty Senate minutes, October 17, 2001.
- <sup>19</sup> At the October 11 consultation, Genshaft was asked, “Do you want him [Al-Arian] to come back?” She replied, “We want him to come back.” The November 1 statement is online at <http://w3.usf.edu/~uff/AcadFree.html>. Co-author McColm was present at the consultation and was a cosigner of the statement.
- <sup>20</sup> “USF Final Warning Increases Tension Over Al-Arian’s Leave,” *Tampa Tribune*, November 2, 2001. “USF Trustees worked for firing,” *St. Petersburg Times*, January 19, 2002: Genshaft said, “I wish the timing could have been better, but moving forward is something the board wanted to do.”
- <sup>21</sup> This was Steven Burton, a USF alumnus and Tampa lawyer, who later seconded the motion to dismiss; the motion itself would be made by Rhea Law, a lawyer with a history of civic service who became the first woman to be ranked Tampa’s top business leader in the *St. Petersburg Times* annual Outlook survey: Robert Trigaux, “A new cast of business leaders emerges around Tampa Bay,” *St. Petersburg Times*, January 20, 2003. December 19 materials are at “USF Trustees to hear report on Al-Arian,” *St. Petersburg Times* (December 19, 2001); Minutes of the December 19, 2001 meeting of the USF Board of Trustees; “Statement of University of South Florida President Judy Genshaft,” Office of Media Relations (USF *News*, December 19, 2001); “Thomas M. Gonzalez Legal Opinion,” USF *News* and On-Line Media *Guide* (December 17, 2001).
- <sup>22</sup> Al-Arian’s brother-in-law Mazen Al-Najjar had had immigration difficulties ever since the 1980s, and he had been arrested in 1997 and detained, pending deportation, until he was freed in 2000 on the grounds that the case against him included evidence that the government refused to show to Al-Najjar’s lawyers, a situation that generated much public comment; see Martin Merzer, “The Secret War,” *Miami Herald*, March 22, 1998. The observant reader may notice that the federal government occasionally took steps against Al-Najjar just as the USF administration took steps against Al-Arian himself. At present, there does not appear to be any hard evidence that this is not mere coincidence.

- <sup>23</sup> The cover letter from Chapter President Roy Weatherford and a fact sheet are online at the UFF USF Web site via <http://w3.usf.edu/~uff/AlArian/Aftermath.html>.
- <sup>24</sup> See USF Faculty Senate minutes, January 9, 2001. The co-author Dorn provided the presentation on the history of academic-freedom violations before the debate among senators began, as well as the fact sheet for the union chapter.
- <sup>25</sup> The resolution is online via <http://w3.usf.edu/~uff/AlArian/Aftermath.html>.
- <sup>26</sup> That 1960s academic freedom episode at USF was its collision with the “Johns Committee.” USF Instructor Thomas Wenner was suspended in 1962 for condemning the John Birch Society in class. This attracted the attention of the Florida Legislative Investigations Committee, under State Senator Charley Johns, which investigated USF for left-wing activity. During all this, Assistant Professor Sheldon Grebstein was suspended for using an article (containing racy language) by Norman Podhoretz in his English class. Then Vanderbilt Professor Denna Fleming, who was on the verge of getting a job offer from USF, did not get the offer because of concerns about his politics. This last development led to the AAUP’s censure of USF in 1964 (which was lifted in 1968): see Jim Schnur, “Cold Warriors in the Hot Sunshine: USF and the Johns Committee,” *Sunland Tribune: Journal of the Tampa Historical Society* (vol. 18, November 1992): 9–15. One year after the censure was lifted, American Ideas Department founder Robert Stevenson was dismissed after leading a protest against Defense Secretary Melvin Laird; he was reinstated in 1970 after winning a lawsuit: see “Cautionary tale of past USF censure,” *St. Petersburg Times*, May 5, 2002.
- <sup>27</sup> At the January 9, 2001, Emergency Faculty Senate meeting, President Genshaft said that she had made the “gut-wrenching” decision to send the letter of termination, and Provost Stamps announced that the decision to dismiss had not been made yet.
- <sup>28</sup> “Genshaft Delays Al-Arian Decision: Academics Urge Her to Reconsider Firing,” *Tampa Tribune*, January 31, 2002.
- <sup>29</sup> “A Jury of One: the fate of tenured Professor Sami Al-Arian rests solely on the decision by USF’s president,” *USF Oracle*, March 4, 2002.
- <sup>30</sup> “Academic Group Keeps Focus on USF, Al-Arian,” *Tampa Tribune*, June 9, 2002.
- <sup>31</sup> “USF sues for right to fire professor: USF says it can prove that professor Sami Al-Arian has ties to terrorists and asks the court to determine whether firing him would violate his constitutional rights,” *St. Petersburg Times*, August 22, 2002. The timing of the lawsuit was interesting: on August 19, Al-Arian’s brother-in-law was deported to Bahrain, but he was diverted enroute to Lebanon, which managed to unload him on another nation, currently unknown.
- <sup>32</sup> “Judge: Don’t ask advice on Al-Arian; USF asked if firing the professor would violate his rights. A judge says giving advice isn’t the court’s job,” *St. Petersburg Times*, December 17, 2002.
- <sup>33</sup> In the November 11, 2002, elections, Florida voters approved a constitutional amendment creating a Board of Governors overseeing the now 11 public institutions of higher learning in Florida, and insulating both governors and trustees from the rest of the government.
- <sup>34</sup> “A Conversation with Dick Beard,” *St. Petersburg Times*, June 26, 2000.
- <sup>35</sup> As a sign of how politicized the situation was, in 2000, as Genshaft was arriving, a USF hourly employee who decided to run for the Legislature against a Republican incumbent was fired after some legislators complained. Genshaft claimed that she did not make the decision to dismiss. “University President Denies Role in Candidate’s Firing,” *St. Petersburg Times*, Mar. 25, 2000.
- <sup>36</sup> “Another forum for speech,” *USF Oracle*, Feb. 7, 2002.
- <sup>37</sup> Co-author McColm was at one of these ad hoc consultations, when another faculty member asked the president how he could know when he is crossing the line into a special case, and the president was unable to give a clear answer.
- <sup>38</sup> Especially after March 20, 2002, when federal agents raided a number of Virginia organizations, including the International Institute of Islamic Thought, a Saudi-backed think tank that had backed WISE. See “Raids Seek Evidence of Money-Laundering,” *New York Times*, March 21, 2002.

- <sup>39</sup> The faculty union, supported by grants from the newly merged Florida Education Association and its national affiliates NEA and AFT, began an organizing drive, and the USF Chapter collected more than 1,000 collective-bargaining authorization cards during fall 2002 (over 60 percent of the bargaining unit) and asked for certification; the USF administration voluntarily recognized the faculty union in March 2003.
- <sup>40</sup> USF University Rules, Chapter 6C4-10 (Faculty Rules are 6C4-10.100 to 6C4-10.113); the primary installation was on November 21, 2002, inspiring faculty union Chapter President Weatherford's celebrated quote: "They're going to screw us: Union president warns forthcoming rule changes could mean 25 years of bargaining down the drain," *USF Oracle*, Nov. 21, 2002.
- <sup>41</sup> See Faculty Senate minutes on Proposed Academic Policy 10-048 on Academic Freedom and Responsibility, February 19, 2003.
- <sup>42</sup> The administration initially attempted a series of meetings with faculty, which did not go well, and the *USF Oracle* ran a series of articles: "Genshaft apologizes," January 16, 2003; "Despite apology, faculty not satisfied," January 16; "Genshaft begins faculty mission," January 21; culminating in "BOT reinstates [old] rule," January 21.
- <sup>43</sup> Selections are at <http://w3.usf.edu/~uff/AIArian/Reverberations.html#howlers>. There were also some unnerving phone calls.
- <sup>44</sup> The February 26 Notice of Termination, signed by Provost Stamps, relied heavily on the indictment in making its charges. In the February 26 "Statement by USF President Judy Genshaft," Genshaft stated that she had consulted many interested parties, but did not mention any investigation into the charges. Genshaft told the Faculty Senate on March 19 that the Notice of Termination did not merely follow from the indictment.
- <sup>45</sup> "Al-Arian will file grievance," *USF Oracle*, February 28, 2003. Al-Arian's attorney said, "The collective bargaining agreement has expired. We're stuck with the new procedure that has been put in place by the Board of Trustees."
- <sup>46</sup> A motion made by co-author McColm to condemn the dismissal—presenting suspension without pay pending outcome of the trial as the appropriate action—was tabled by the Senate and subsequently disappeared; see Senate minutes, March 19, 2003.
- <sup>47</sup> "One year later: On the one-year anniversary of Sami Al-Arian's arrest, it would appear that the proverbial black cloud is no longer hanging over USF," *USF Oracle*, February 20, 2004.
- <sup>48</sup> "Al-Arian trial may become test case: concerns about evidence, defendant complaints and the Patriot Act are brewing into a major legal clash," *St. Petersburg Times*, March 22, 2004.
- <sup>49</sup> This is the Irish citizen Bashir Nafi, whose fax machine figures prominently in the U.S. government's case.
- <sup>50</sup> When the boards of trustees refused to recognize the union, the union filed a number of Unfair Labor Practice complaints to the state's Public Employee Relations Commission (PERC), by then consisting entirely of Bush appointees. PERC's rulings were rather strange, and one of the most important, a joint complaint by the faculty union and AFSCME against two universities, landed in court. On February 14, 2005, Judge J. Benton of the First District Court of Appeals ruled that, "State government cannot unilaterally...terminate its obligations under a collective bargaining agreement simply by reorganizing its executive branch." See Case number 1D-03-4689. By some coincidence, most universities have since made considerable headway in bargaining, and most may have contracts by the publication of this article.
- <sup>51</sup> See "AAUP Condemns Actions of University of South Florida Administration in Al-Arian Case," AAUP press release, June 14, 2003.