REPORT: The USAPATRIOT Act, Dr. Sami Al–Arian & the United Faculty of Florida

Tampa, Florida is home to CENTCOM, one of nine Unified Combatant Commands assigned operational control of U.S. combat forces. The CENTCOM area of responsibility stretches from the Horn of Africa to Central Asia. Tampa is also home to the University of South Florida, a comprehensive research university of over 42,000 students. The Tampa community has long been an odd mixture of military supporters and First Amendment advocates.

After the bombing of the twin towers in New York and the Pentagon on September 11, 2001, Dr. Sami Al-Arian, computer science professor at the University of South Florida, went on the Fox television O’Reilly program to discuss the role of Muslims in the U.S. post 9-11. Instead of allowing him to speak, “O’Reilly accused Dr. Al-Arian of being a terrorist and the University subsequently was besieged by phone calls and e-mails calling for his dismissal. This was because on his own time Dr. Al-Arian had long been very active in, and very outspoken on, a number of pro-Palestinian and Islamic issues.” (McColm and Dorn). The university administration suspended Dr. Al-Arian on September 27, 2001.

The days following September 11 were difficult for the academy. Vice-President Cheney’s wife was a leader in the group, American Council of Trustees and Alumni (ACTA) which issued a list of disloyal academics titled “Defending Civilization: How Our Universities Are Failing America, and What Can Be Done About It” (Blumenstyk). The University of South Florida had recently been reorganized and placed under a Board, wholly appointed by Jeb Bush, which had been trained by ACTA. The Board did not like public criticism of the university for continuing to employ Dr. Al-Arian (UFF). However, the faculty union, United Faculty of Florida (UFF), led by president Roy Weatherford, led a delegation to consult with the president about Dr. Al-Arian’s rights, and also took out an ad in the university newspaper, “Statement on Academic Freedom,” signed by members of the union. On December 19, 2001, the Board of Trustees
voted to recommend dismissal, and before sunset, the letter of dismissal was in the mail (McColm). Union activity on Al-Arian’s behalf, however, postponed the actual implementation of the dismissal.

The university had completed fall classes by this time and many faculty were no longer in residence for the holidays. The United Faculty of Florida immediately began action in collaboration with the Faculty Senate. Sherman Dorn, historian of education and UFF officer wrote a 16 page “Memorandum on Historical Perspectives on Academic Freedom and Faculty Dismissals” in response to a query from the Faculty Senate. Although it was the holiday break, the union organized and mailed information to the entire campus community that an emergency meeting of the Faculty Senate would be held January 9. At that meeting a majority voted against the administration’s firing of Dr. Al-Arian. The university hedged and continued the suspension.

The UFF, which includes members of the library faculty, acted during 2002 to expand public discourse on the topic of academic freedom to educate the academic community what it meant to fire Dr. al-Arian without due process.* Programs held by UFF in 2002 included: Ellen Schrecker, a historian of McCarthy-era repression; Robert O’Neil, of the Thomas Jefferson Center; Philo Hutcheson, discussing the history of faculty unionism; Sheldon Grebstein, president of SUNY Purchase who had been a victim of academic freedom attacks in the 1960s while on the USF faculty; and a panel led by President Weatherford on the Johns Committee of the 1960s.

On February 20, 2003, Dr. Sami Al-Arian was arrested on a 50-count indictment for violations of the racketeering and other federal laws. On February 26, 2003 the university again fired him. The case was broadly viewed as a crucial test of government power under the USA PATRIOT Act. The Act lowered barriers that had prevented intelligence agencies from sharing secretly monitored communications with prosecutors. The Al-Arian case was the first criminal terrorism prosecution to rely mainly on materials gathered (beginning the mid-1990s) under the Foreign Intelligence Surveillance Act (FISA), whose standards for searches and surveillance are less restrictive than those set by criminal courts (Hsu and Eggen).

On December 6, 2005, after over 1000 days in prison and a five-month trial costing U.S. tax-payers millions of dollars, Dr. Al-Arian and three co-defendants accused of operating a North American front for Palestinian terrorists were acquitted of a number of the 51 charges against them, and jurors said they were deadlocked on the rest. The great majority of jurors
wanted to acquit Al-Arian and the three co-defendants on all charges. John Sugg, who has long followed the Al-Arian case has noted,

This case was entirely an attack on Constitutional rights, especially the First Amendment. The government of Israel wanted Al-Arian silenced, and our government obliged. Meanwhile, while the FBI and federal prosecutors were spending tens of millions of dollars and thousands of people-hours pursuing Al-Arian – a man who never was a threat in any way to America – the same federal agents failed to notice that also living in Florida was Mohammed Atta, busily plotting his attack on the World Trade Center. Had the government spent more time looking for real terrorists in Florida, 9/11 might not have happened. (Institute for Public Accuracy)

The decade long struggle of Dr. Al-Arian, the university and others is complex but well documented at the website of the United Faculty of Florida (McColm, “Before September 11).

Although the U.S. Justice Department may yet request a retrial and Dr. Al-Arian may still be deported (Lichtblau) the case has demonstrated that the USAPATRIOT Act is not all-powerful and that voices raised as advocates for academic and intellectual freedom can still be heard over jingoistic din. The important role of the United Faculty of Florida was direct support of Dr. Al-Arian’s rights as well as expansion of the public sphere through public lectures, forums, and careful documentation of the events.

Faculty including librarians used the power of the union to defend Dr. Al-Arian’s right to a fair trial and his right to First Amendment freedoms. By holding unfair labor practices up to the light, by rallying to call an emergency meeting that prevented the administration from firing him without a hearing, and by using the public sphere to defend the ideals of academic freedom, the United Faculty of Florida demonstrated that transparency helps light the way to justice.

Works Cited


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*Note: Because of the reorganization of higher education by Governor Jeb Bush, the administration withdrew recognition of the United Faculty of Florida union. The union filed an unfair labor practice, held a reauthorization campaign, and was restored. The First District Court of Appeals ruled on February 14, 2005 that the efforts of politicians to deny collective bargaining rights were not acceptable under the state constitution.

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