

# The Associated Press State & Local Wire

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By Rachel La Corte

University of South Florida officials accused a tenured Palestinian professor of having terrorist ties and filed a lawsuit Wednesday asking a court to determine whether firing him would violate his free speech rights.

The university filed a complaint for "declaratory relief" asking the courts to enter a judgment that its plan to fire computer science professor Sami Al-Arian would not violate his constitutional rights, USF President Judy Genshaft said at a campus news conference.

The complaint was filed in state court in Tampa and includes the termination letter the university will send to Al-Arian if they are allowed to fire him.

"This is a very difficult situation for the university and everyone in it," Genshaft said. She refused to take questions, instead deferring to four lawyers who are handling USF's case. The court's decision would be binding on the university if it's upheld by appellate courts, attorney R.B. Friedlander said.

The lawyers acknowledged the process could take months.

Al-Arian said he wasn't surprised by the university's move, but said that the school's attempt to get a court to say the case wasn't about his freedom of speech would fail.

"It's still a case of academic freedom," Al-Arian later said at his attorney's office. "That hasn't changed. It's just an indication of how politicized the university has become."

His attorney, Robert McKee, said he would respond to the suit within 20 days.

"This lawsuit is an attempt to get some political attention," he said.

Al-Arian has been on paid leave since an appearance on Fox News Channel's "The O'Reilly Factor" shortly after the Sept. 11 attacks. He was quizzed about links to known terrorists, and asked about tapes from the late 1980s and early 1990s in which he said "Death to Israel" in Arabic.

Those comments are noted in his pending termination letter, along with an allegation that Al-Arian used USF's name in booking a 1991 conference where "money was raised for causes later associated with terrorist activities."

Al-Arian said that he has never advocated violence against others and that his words were a statement against Israeli occupation.

"This is an issue of the ability of a professor to speak their mind without being threatened because of his political views," Al-Arian said.

The university also alleges that in 1995 Al-Arian wrote a letter seeking funds so that suicide bomber missions could continue. Al-Arian said that letter was never sent; the university refused to release the letter, saying it was now part of the investigation and confidential.

The U.S. Attorney's Office in Tampa said in February that Al-Arian has been under federal investigation, but spokesman Steven Cole said Wednesday he couldn't make any further comment.

"I believe that Dr. Al-Arian has abused his position at the university and is using academic freedom as a shield to cover improper activities," Genshaft said Wednesday.

Al-Arian, who has lived in the United States since 1975, has never been charged with a crime and has consistently denied any connection to terrorists.

"The reality is, this guy's been associated with terrorists for the last 15 years," said Dick Beard, chairman of the USF trustees. "The university has been called Jihad U. It's time we take action and effectively cut this cancer out."

In December, at the urging of university trustees, Genshaft said Al-Arian should be fired, citing disruption and breach of contract.

Genshaft said she based her recommendation on safety issues, both for the school and the professor.

The university says that disruption includes changes in security, increased workload for other professors and an overall climate of fear from death threats that were made to Al-Arian and the school.

In January, USF's 60-member faculty senate voted overwhelming not to support Genshaft's initial Dec. 19 decision to fire Al-Arian.

And in June, a committee of the American Association of University Professors released a statement supporting Al-Arian and urging Genshaft not to fire him or else face possible censure.

AAUP officials said Wednesday it was too soon to comment on what action they may take in this case now that it is in the courts.

"We're concerned about (the university) sidestepping normal academic due process by pre-suing the very

faculty member the university wants to dismiss," said Mary Burgan, executive director for the AAUP. "We're somewhat alarmed by what appears to be an unprecedented move."

The university acknowledged that it asked the courts to determine the free-speech issue partly to prevent a damaging censure from the AAUP.

Censure, a powerful force in academia, can have a significant impact on faculty hiring and retention.

Mark Klish, vice president of USF's faculty union, said he thinks Genshaft and the trustees "backed off."

"They realized they didn't have a case before. They're trying to save face," he said.

Al-Arian will continue on paid leave while the issue is being settled.

"Teaching is my passion," said Al-Arian, who has taught at the university since 1986. "Obviously, I want to get back into the classroom."

He and his brother-in-law, Mazen Al-Najjar, founded the World and Islam Studies Enterprises, a now-defunct Islamic think tank at USF that was raided by the FBI in 1995. Al-Arian also founded the Islamic Concern Project Inc. in 1988.

Ramadan Adbulah Shallah, a former head of WISE, left the group in 1995 and later resurfaced as head of the terrorist organization, the Palestinian Islamic Jihad.

Al-Arian insists his organization never took the cause of the Islamic Jihad and that he regretted someone from WISE took it over.

He was put on paid leave for two years after that incident and reinstated in 1998.

"I don't think there's any question that both of these organizations associated with people we now know to be terrorists and fund-raisers for those people," Friedlander said.

Al-Najjar, who has a doctorate in engineering and has taught classes at USF, spent more than 3 1/2 years in jail on secret evidence linking him to terrorists, only to be released in December 2000. He was arrested again last November on orders to be deported, which is expected to take place sometime this week.

Al-Arian said he is not deterred by those who call him a terrorist.

"When foolish people speak, you just say 'Peace,'" he said.

Al-Arian has said he would also consider filing a federal lawsuit claiming his First Amendment rights

were violated if he were fired, a point noted by the university in Wednesday's filing.

"The university has committed itself to the termination of Dr. Al-Arian and Dr. Al-Arian has said if you do that you're violating my First Amendment rights," USF attorney Bruce Rogow said. "We're asking the judge to decide those issues."