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Addendum to *Dangerous Thoughts?: Accounting For the Arrest of Sami Al-Arian*

On February 20, 2003, after more than a year of controversy and discussion, federal agents arrested Sami Al-Arian. A fifty-count grand jury indictment brought an array of charges, all accusing Al-Arian and seven other defendants of direct and substantial ties to the Palestinian Islamic Jihad, a known terrorist organization.¹ The criminal proceedings are ongoing at the time of this publication. Nevertheless, the intent of this Note is not to discuss the particular nuances of Al-Arian's innocence or guilt.

Rather, the purpose is to show how, in the face of fear, paranoia, and newly-enhanced prejudice against Arab-Americans, the rules seem to have changed. The law and the legal process now circumvent rights and liberties once thought to be self-evident and inalienable. This Note, even after Al-Arian's arrest, stands for the proposition that the government and other public entities must resist the strong temptation to "jump the gun" when individuals' rights are at stake.

It is important to note that, while the arrest was on February 20, 2003, USF originally revoked tenure and terminated Al-Arian on December 21, 2001.² It is unlikely, at least in this author's opinion, that USF was privy to all of the evidence that was unavailable even to federal prosecutors. Certainly, if the allegations are proved, and if Al-Arian has done wrong by USF and this country, then he deserves to face any and all available sanctions. However, 20/20 hindsight should not provide justification for USF's illegitimate acts.³

1. Eric Lichtblau & Judith Miller, *Threats and Responses: the Money Trail: Indictment Ties U.S. Professor to Terror Group*, N.Y. TIMES, Feb. 21, 2003, at A1.

2. Press Release, Judy Genshaft, President, University of South Florida, Statement of University of South Florida President Judy Genshaft (Dec. 19, 2001), available at <http://www.usf.edu/News/2001/arianindex.htm>.

3. In a recently published timeline of events detailing the relationship between Al-Arian and USF, USF indicates that the indictment "recounts what USF believed about Al-Arian's misuse of his position." USF, Timeline of Events—USF, WISE and Sami Al-Arian (undated), available at <http://isis2.admin.usf.edu/News/2001/arianindex.htm> (last visited Sept. 20, 2003) (on file with the Washington University Journal of Law & Policy). It appears that USF has taken the position that, because beneficial information came to light later, their prior wrongful acts have been justified. This Note does not agree with such a position.

Just as some commentators have criticized the U.S.A. PATRIOT ACT as an overly broad expansion of power to federal investigating authorities, this Note criticizes those public institutions and authorities that are willing to overlook basic civil liberties in their vigilant (but all-encompassing) quest to stomp out terrorism. The feelings of this author are best echoed by U.S. Representative Jose E. Serrano (D-NY), who said: "I fear some officials are so intent on fighting against terror that they forget what we are fighting for. People across the spectrum fear for our civil liberties."⁴

4. Eric Lichtblau & Adam Liptak, *Threats and Responses: On Terror, Spying and Guns, Ashcroft Expands Reach*, N.Y. TIMES, Mar. 15, 2003, at A1.