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USF PRESIDENT'S OFFICE

January 21, 2002

Dear President Genshaft:

I am a Professor at Stanford Law School, and formerly, for nine years, a Member of the House of Representatives. The views expressed in this letter are my own alone, of course, and not necessarily those of either institution.

During my time in Congress, I served, inter alia, on the International Relations Committee and the Judiciary Committee. In those capacities, I came to know of the practice of using secret evidence against non-citizens in keeping them in detention even when they were not a security risk to the United States, and even when they were not soon to be deported. I introduced legislation to stop this practice, and worked hard to achieve that end. In this effort, I came to know Professor Sami Al-Arian, whose brother-in-law had been subjected to this practice.

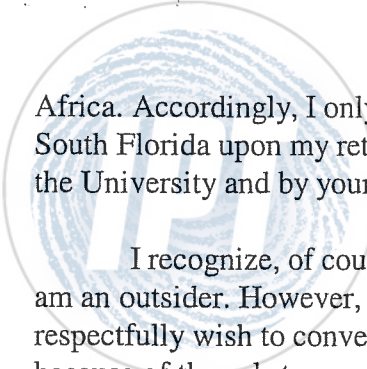
In the interest of full disclosure, I wish you to know that, after we came to know each other, Professor Al-Arian helped me raise funds for my campaign for U.S. Senate, an effort which, nevertheless, did not succeed.

Throughout my acquaintance with Professor Al-Arian, he staunchly supported the principles of the United States Constitution. Indeed, it was for the sake of those principles that he and I both opposed the practice of keeping anyone in America in jail on the basis of evidence they were not allowed to see. Every federal court that has ruled on the practice has called it unconstitutional, yet no case has risen to the U.S. Supreme Court; hence, the practice continues.

Professor Al-Arian's brother-in-law was kept in jail over three years without being able to see the evidence against him. When, finally, the U.S. District Judge was able to review the evidence proffered by the INS, she dismissed the case and ordered Professor Al-Arian's brother-in-law free.

In taking part in this fight to uphold the most important principles of our republic and its Constitution, I never heard Professor Al-Arian utter a single word disloyal to the United States. Nor did I ever hear him say anything anti-Semitic, or racist, or religionist, against any group. He did express the wish that America's foreign policy in the Middle East would tilt less discernibly toward Israel. Whatever you or I might think of that view, it is one to which Professor Al-Arian is entitled, well within the scope of free debate in our country.

During the last month, I and my wife were volunteer-teaching in Eritrea, in the Horn of



Africa. Accordingly, I only learned of Professor Al-Arian's dismissal from the University of South Florida upon my return to Stanford this past weekend. I have read the statement put out by the University and by your office.

I recognize, of course, that the management of the University is in your care, and that I am an outsider. However, as one who has been a fellow academic for the last 18 years, I respectfully wish to convey my sincere alarm that Professor Al-Arian may be treated harshly because of the substance of his views. I have formed this fear because of the paucity of evidence supporting the purported reasons for this discipline against him. I read a transcript of the O'Reilly Factor interview last autumn, and I did not see anything whereby Professor Al-Arian attempted to claim he was representing the views of the University of South Florida. As an example, had I not included the second sentence in this letter, above, would anyone seriously construe my letter as being on behalf of Stanford University? Neither the context, nor Professor Al-Arian's words, suggested that he represented his views as those of your University.

The greatest strength we have, as Americans, and especially as academics, is our freedom to speak—including the freedom to speak unpopular views. This right is stressed most severely during periods of national emergency. It is precisely then that all who love our country and its freedoms must be most vigilant. What a tremendous victory it would be for those freedoms, for the reputation for fairness of your University, and for our country, if you could reconsider your decision regarding Professor Al-Arian! Such an action now would show the academy at its best: a willingness to reconsider, rather than an instinct to unite behind an initial decision that proved to be ill advised. I respectfully urge you to consider taking just such an action. And I thank you for the time you have given to my letter.

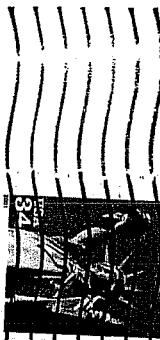
Respectfully,



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