

The trial of Sami al Arian

A victory for the American judicial system and for American Muslims

RON CHEPESIUQ

CAN an Arab and anti-Israeli activist get a fair trial in post 9-11 America, especially when its government has the unprecedented power of the Patriot Act to pursue investigations, while much of the media abandons its independent role and becomes a cheerleader for the prosecution?

The answer came last December 6 in a Tampa, Florida courtroom when a jury acquitted 47-year Palestinian Sami al Arian of eight of the 17 charges against him. The big charge that al Arian beathe US government accused the defendant of aiding Islamic Jihad, a group it has designed a terrorist organization, largely because of the suicide bombings it has committed against Israel.

The jury deadlocked on the other nine charges. Two other defendants, Sameeh Hammoudeh and Ghassan Ballut, were acquitted of all charges, while a fourth defendant, Hatim Fariz, was acquitted of 25 charges.

It was a stunning and unexpected verdict, given the staggering amount of "evidence" the government said it had on the al Arian-Islamic Jihad connection. In all, the US government accumulated 400,000 intercepted wiretaps and an impressive amount of records relating to thousands of money transfers. Moreover, it presented 70 witnesses at the trial.

It didn't look good for the professor. Questions were raised as to whether al Arian could get a fair trial, given that in the decade preceding the trial, the media, especially the conservative blogs on the Internet, had played on the growing anti-Arab hysteria by vilifying al Arian. Critics of the al Arian prosecution, who worried about America's vanishing civil liberties in the Age of Terrorism, viewed al Arian as the victim of a political witch hunt whose free speech rights had been abrogated.

Ironically, Sami al Arian's life story might have served as model for how to achieve the American Dream, if he had not been arrested and prosecuted for allegedly aiding and abetting terrorism. A Palestinian and native of Kuwait, al Arian arrived in the US in 1975 as a student. He earned a Ph.d in computer science and became a tenured professor at the University of South Florida (USF). There, he

INSIDE AMERICA

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Supreme Court: Pinnacle of US justice system.

earned a reputation as an excellent computer engineering teacher, becoming in 1994 the first USF professor to win a \$5,000 bonus as its outstanding undergraduate instructor.

But 1994 was the year that al Arian's life began to turn into the American nightmare. As a passionate defender of Palestinian rights, al Arian organized a fund raising group for the Palestinian cause called the Islamic Committee for Palestine (ICP). Noted terrorist Steven Emerson produced a TV documentary that year in which he identified the ICP as "the primary support group in the United States for Islamic Jihad." The federal authorities began to investigate al-Arian.

Three years before, the professor had started the World and Islamic Studies Enterprise (WISE), a think tank designed to bridge the gap between Islam and the West. Law enforcement officials raided WISE's offices on November 20, 1995, hauling away all of its files. From 1975 to 1994, al-Arian had

worked in the US as a permanent resident, a status he obtained through his academic job. When he applied for US citizenship in 1994, however, his application was denied. Al Arian sued, but the US Immigration and Naturalization Service ruled that he had improperly registered to vote and dismissed the suit.

Still, subsequent investigations seemed to clear al Arian. USF investigated its relationship with WISE, and in 1996, William Reece Smith, a former interim USF president and head of the American Bar Association, who headed the investigation, concluded that, "It's not established that anybody was supportive or engaged in unlawful or terrorist activity."

In 2000, a federal immigration judge ruled that "there is evidence in the record to support the conclusion that WISE was a reputable and scholarly research center and (that) the ICP was highly regarded."

O'Reilly, a broadcaster who airs a popular right wing program on the pro-Bush administration Fox TV channel, portrayed al-Arian as an agent of

Islamic terrorism. The program aired a few weeks after 9-11, and it helped to put enormous pressure on USF, which suspended al Arian.

The university cited "security concerns" but critics of the move said that the university was more worried about the effect of future funding than it was about justice. The USF president stated her intention to fire al Arian, but he still continued to collect his \$67, 526 annual salary while on suspension.

Fortunately for al Arian, he had academic tenure, a form of job security for university professors that seeks to ensure academic freedom, as well as the support of the university's faculty union. Meanwhile, The American Association of University Professors viewed al Arian case as one involving academic freedom, not terrorism. In other words, al Arian's views may be controversial,

but he had a right to express them as well as pursue his teaching, writing and speaking without fear of political reprisal.

In its 2003 indictment of al Arian, federal prosecutors charged that when they searched WISE's offices and al-Arian's home, they found a letter that the professor wrote to Kuwait in February 1995, 10 days after an Islamic Jihad suicide bombing killed 19 Israelis. Al Arian allegedly wrote that he sought "support to the Jihad effort in Palestine so that operations such as these can continue."

They also found a video of a rally in which al Arian is introduced as president of "the active arm of the Islamic Jihad movement in Palestine." This was part of the evidence introduced at al-Arian's trial, and it looked from the outside that al-Arian's conviction would be a slam dunk.

So why wasn't there a conviction? The jury believed that al Arian no doubt was heavily involved with Islamic Jihad, but they examined the evidence and concluded his association wasn't enough to convict him of any crimes.

Al Arian and his fellow defendants may have celebrated Islamic Jihad attacks on Israel, but it wasn't the same thing as proving they knew about the violence ahead of time. America may at war with terrorism, but the 12 jurors had not shirked their responsibility to come to a fair verdict based on the evidence.

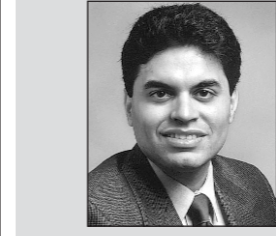
Dr. Agha Saeed, chairman of the American Muslim Taskforce for Civil Rights and Elections, a coalition of 11 major Muslim organizations, hailed the verdict as possibly having "a global impact on the winning the hearts and mind of Muslims by demonstrating that America is a nation in which the jury can be independent of political pressures."

That conclusion might be premature and even an overstatement, given the mess that George Bush, Jr. has made in the post 9-11 period. But on at least one day in an American courtroom American Muslims could conclude that justice was served. As for al Arian, he remains in jail as the Federal government decides whether to re-try him on the deadlocked charges.

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An imperial presidency

The imperial style has its virtues. It intimidates, allows for decisive action and can force countries to follow the lead. But it racks up costs. And it is particularly ill suited for the world we are entering. As other countries come into their own, economically and politically, they want to be listened to, not simply tolerated. They resent being lectured to by the United States. They are willing to be led, but in a very different style.



FAREED ZAKARIA writes from Washington

PRESIDENT Bush's most recent foreign trips, to Latin America and Asia, went off as expected. He was accompanied by 2,000 people, several airplanes, two helicopters and a tightly scripted schedule. He met few locals and saw little except palaces and conference rooms. When the program changed, it was to cut out dinners and meetings. Bush's travel schedule seems calculated to involve as little contact as possible with the country he is in. Perhaps the White House should look into the new teleconferencing technologies. If set up right, the president could soon conduct foreign policy without ever having to actually meet foreigners.

It's not that President Bush doesn't like foreigners. He does, some of them anyway. He admires Tony Blair, Junichiro Koizumi and Ariel Sharon, as well as a few others. But even with them the "good men" he doesn't really have a genuine give-and-take. Most conversations are brief, scripted and perfunctory. The president rarely talks to any foreign leader to get his opinions or assessment of events. Churchill lived in the White House for days while he and Franklin Roosevelt jointly planned allied strategy. Such collaboration with a foreign leader is unthinkable today. Insider accounts of Tony Blair's involvement with the Iraq war suggest that Blair was, at best, informed of policy before it took effect.

It is conventional wisdom that this lack of genuine communication with the world is a unique characteristic of George W. Bush. After all, Bill Clinton forged genuinely deep relations with his counterparts abroad. Though he traveled in equal grandeur, he showed much greater interest in the countries he visited. (In India he

became a hero even though he had slapped sanctions on the country, an extraordinary case of personal diplomacy trumping policy.) George Bush Sr. had his famous Rolodex and dialed foreign leaders regularly to ask their views on things. Bush Jr. has set a new standard.

Bush's tendencies seem to reflect a broader trend. America has developed an imperial style of diplomacy. There is much communication with foreign leaders, but it's a one-way street. Most leaders who are consulted are simply informed of US policy. Senior American officials live in their own bubbles, rarely having any genuine interaction with their overseas counterparts, let alone other foreigners. "When we meet with American officials, they talk and we listen rarely disagree or speak frankly because they simply can't take it in," explained one senior foreign official who requested anonymity for fear of angering his US counterparts.

It is worth quoting at length from the recently published and extremely well-written memoirs of Chris Patten (who is ardently pro-American), recounting his experiences as Europe's commissioner for external affairs. "Even for a senior official dealing with the US administration," he writes, "you are aware of your role as a tributary; however courteous your hosts you come as a subordinate bearing goodwill and hoping to depart with a blessing on your endeavours ... In the interests of the humble leadership to which President Bush rightly aspires, it would be useful for some of his aides to try to get into their own offices for a meeting with themselves some time!"

"Attending any conference abroad," Patten continues, "American cabinet officers arrive with the sort of entourage that would have done Darius proud. Hotels are commandeered; cities brought to a halt; innocent bystanders are barged into corners by thick-necked men with bits of plastic hanging out of their ears. It is not a spectacle that wins hearts and minds."

Apart from the resentment that the imperial style produces, the aloof attitude means that American officials don't benefit from the experience and expertise of foreigners. The UN

inspectors in Iraq were puzzled at how uninterested American officials were in talking to them even though they had spent weeks combing through Iraq. Instead, US officials, comfortably ensconced in Washington, gave them lectures on the evidence of weapons of mass destruction. "I thought they would be interested in our firsthand reports on what those supposedly dual-use factories looked like," one of them told me (again remaining anonymous for fear of angering the administration). "But no, they explained to me what those factories were being used for."

In handling postwar Iraq, senior American officials in Washington avoided any real conversations with UN officials who had been involved in Bosnia, Kosovo, East Timor, Mozambique and other such places.

To foreigners, American officials increasingly seem clueless about the world they are supposed to be running. "There are two sets of conversations, one with Americans in the room and one without," says Kishore Mahbubani, formerly a senior diplomat for Singapore and now dean of the Lee Kuan Yew School of Public Policy. Because Americans live in a "cocoon," Mahbubani fears that they don't see the "sea change in attitudes towards America throughout the world."

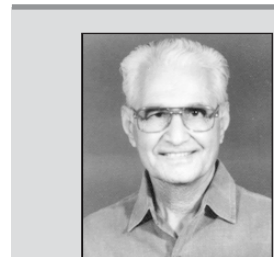
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When Newt Gingrich was speaker of the House, he certainly didn't have a reputation for being weak-kneed or soft. But he knew the value of reaching out to others who had different opinions. He would borrow from management jargon and speak of the need to "listen, learn, help and lead." In that order.

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The past is still present



M B NAQVI writes from Karachi

TOMORROW the new Pakistan would complete 34 years after the 1971 tragedy -- when united Pakistan came to an end. Since then Pakistan has made much economic progress of a kind but has not made any social or political advance. The reason one wishes to remember December 16 of that year is not merely to ruminate idly over what had happened and why on that day. People should remember it more purposefully to see where did they go wrong and what had better be done now.

True, Pakistanis can find no pleasure in remembering 1971, though Bangladeshis enthusiastically celebrate it as their Independence Day. It was the year of the dismemberment of Pakistan as it had come into being in August 1947. It barely lasted a quarter of a century. It ended in a civil war and an international war with India amidst much bloodshed. Pakistan Army was decisively defeated by the Indian Army that was ably assisted by the Mukti Bahini. Pakistan gave up not only East Pakistan but also surrendered 95,000 prisoners of war. The Pakistanis' shame of defeat and dismemberment can only diminish if they make amends and do the right things now. Otherwise a foolish, indeed malign, forgetfulness will continue to colour their actions, with one disappointment leading to another.

Why did that tragedy happen is a relevant question even today. The answer, in retrospect, is blindingly clear: Bengalis, although a majority of the population, were treated badly. They were deprived of any real share in decision making. The democracy that Pakistan was supposed to be was subverted

PLAIN WORDS

But when Ayub Khan finally took over in 1958 and declared Martial Law all over Pakistan, the Bengalis were forced to conclude that if they wanted to come into their own and to work for their own zone's improvement, they had no place in Pakistan. The ten years of Ayub Khan finally convinced them that they would always be second class citizens in Pakistan. The conduct of Yahya Khan confirmed all their worst fears. The misdeeds and blunderings of Yahya Khan are well known. Who can blame the Bengalis for opting for independence?

by vested interests. Which vested interests were they? They should be clearly defined: the big landlords that comprised the bulk of West Pakistani part of the Constituent Assembly -- the ultimate legal authority in Pakistan -- helped create a bureaucratic-military coterie that, with their help, was able to deploy intrigue, threats and bribes in order to manipulate in sovereign Assembly. Once the Assembly could be manipulated, with governments coming in and going out on the whim of the coterie, it lost its sovereignty. Real power came to reside not in the Assembly but in those who could make and unmake governments without any real role of Assembly or voters. Pakistanis were robbed of their theoretical sovereignty in tandem with accretions to the coterie's de facto power.

The elected representatives timidly allowed themselves to be played upon, probably in a mistaken notion of patriotism. They feared bureaucracy would formally takeover. The story is well-known. Democracy was never allowed to work. There were various signs everywhere. The elections to various provincial assemblies were rigged in all parts of West Pakistan. The coterie paid no heed to growing disaffection in East Bengal as was shown by election results of 1954. Ruling Muslim League was wiped out. The government of the Jukto Front that had won the 1954 election so decisively was soon dismissed. And so on. Later, after many more manipulations of the democratic processes by the coterie, the economic policies were so made by mainly West Pakistanis with greater benefit to West Pakistan areas, especially in Karachi. East Pakistan earned more foreign exchange and it was

spent mostly on West Pakistan for its industrialization, the building up of the Army, and constructing a new capital needlessly.

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A question needs to be asked whether West Pakistanis did or did not exploit the resources of East Bengal. The amount of economic progress that West Pakistan areas made in 24 years contrasted sharply with conditions in East Pakistan when it became independent. Instead of industrializing the East and developing agriculture in West Pakistan -- as had been suggested by most unofficial economists and at least a few official advisors and which was the normal course that ought to have been followed -- the priorities were reversed or rather skewed to benefit West Pakistan in both sectors.

Then there is the whole tragedy of the year 1971. It was a West Pakistani military dictator who treated Bengalis like dirt. Anyone could deduce his bad intentions from his April 1970 Legal Framework Order that asked the new Assembly to produce an acceptable-to-all Constitution in 120 days or there would be no transfer of power from him. His

refusal to accept the 1970 election results and refusal to call the Assembly session were a clear and final signal to Bengalis that their only option was to go on living under a military dictatorship of a basically West Pakistani Army. If the Bengalis refused who can blame them? That makes the tragedy of 1971 poignant. The Army indulged in horrible atrocities. It is necessary to recognize those atrocities by troops as atrocities. What Biharis or rebellious Mukti Bahini did were actions of disaffected individuals. State actions are more important -- and more blameworthy.

What conclusions can we draw from these experiences? First and foremost is that without honest governance and actual democracy, nothing else works. Pakistani rulers and Army commanders mouthed much ideological mumbo jumbo in reply to Bengalis' demand of fairness in allocation of resources, a proper share in decision-making and in maintenance of democracy. Islam, Islamic brotherhood, and other emotive shibboleths were invoked by West Pakistani leadership without recognizing the obvious fact that these things had nothing to do with what was being demanded: Bengali language and culture of the majority must be given their due place of honour, economic policies must address Bengal's true needs and that their votes should decide major questions. Lectures on Islam and patriotism, in the absence of honesty, democracy and accountability were, and are, useless.

It stands proven that Islam, Islam alone, cannot sustain a modern nation state, especially if it comprises two geographically separate zones. Various ethnicities

like language, culture, race, etc have to be equally respected along with religion. Now, in retrospect, it is clear that Bengali language and culture were sought to be smothered under ideological hocus pocus in order to misuse the foreign exchange that Bengal earned in West Pakistan; Bengalis should grin and bear disparities because their resources were sustaining progress of other Muslims. Actually subsequent actions caused by Bengalis' protests after 1965 war for being left defenceless and the East Pakistani economists insistence on net transfer of Rs.1000 million worth of resources for investment in East Pakistan per year in Third Plan. Pakistan establishment could scarcely meet Bengali demands without scuttling its own dominance. So they were consciously looking for ways of getting rid of East Pakistan.

Ah! The irony of it all. West Pakistanis are paying the price. Democracy once subverted in early 1950s has never returned either in original or the present Pakistan. This Pakistan is still under a military government in its fifty-eighth year. The prospects of democracy in Pakistan are not bright. For, the Army is now well entrenched. It knows how to "manage" elections. Its foreign policy ensures it American support and a bogus legitimacy has been given it by its peoples being so laid back. The future seems to belong to the Army. Pakistan is likely to go on being run by the Army and for the Army. Pakistanis are paying the price with their own slavery for keeping the East Bengalis slaves for 24 years.

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SHAHADAT CHOWDHURY

The glue of the cluster

The outcome of Shahadat Chowdhury's intricate work was so obvious that from seventies through nineties a period of renaissance happened to the life of Bangladeshi people. The whole concept towards life changed towards a fresh start.

SHAMIM AZAD

A fog of emptiness descended upon me when I received the heart-breaking news that Shahadat Bhaithe post-modern media icon Shahadat Chowdhury is no more alive. He was in true sense a reformer in the world of print media for his creation of Weekly Bichitra and Shaptahik 2000. The sad news of his death suddenly scooped me out of this cold frosty wind-swept ground of London and put me in the warm lovely past where every day was of challenge and joy of achievement. I am baffled by the unexpected but presumed consequences. I remember my long lost Bichitra home, where I was plugged in for more than 15 years and had a constant flow of oxygen.

It's all coming back. In 1978 I first treaded softly to this media giant's office as a little shaky leaf, but when I came out I was full of vitality.

From November 29 till today, I feel that I am dwelling in two place-to-time zones. One is our glorious past where Bichitra was highly acknowledged for its trend-setting ideas and ground-breaking cover stories where I was working with a bunch of brilliant young journalists. And the other can be called as "working towards a glorious future" which certainly has potentials but is a lonely journey.

Nevertheless, I am confident to leave my handprints like a Bangladeshi block print made out of indigenous colour in this country. It can be a little runny in the beginning but firm at the end. I have to keep taking steps no matter what adversities are laid on my path. I am in a society where every small genuine step is counted. And who said it to this "little Brit-Bangladeshi poet and writer" in the making? It was my dear Shahadat Bhai.

When I was co-writing my first play with Mary Cooper in London in 1994, Shahadat Chowdhury came

to London. My English vocabulary was shamefully insufficient. But he understood my desperation and intention spot on. He could tell that I was trying hard to scribe the balanced picture of Bangladesh in print to this part of the world that is filled with misconceptions and myths about us. "Your words are limited but not your ideas. All you need is a spellchecker and a computer. Both problems can be solved but not ideas. That is why they hired you. These theatre people are very clever, they won't waste their money in the garbage," he told me.

A year had gone past and I was living in Lynton Crescent in one of those terraced Georgian house which had sleeping chimney on the top. Eeshita and Sajib were boisterous with Shahadat Bhai's newly brought gifts from Selina, and Azad (my husband) was smiling at me for what I was doing. I was actually showing my first transcripts that I kept for showing him as evidence that I have learnt writing in computer. While he was nicely settled near the warmth generating white radiator and I passed him some different-sized papers. As he started looking at them curiously I disappeared to the kitchen to make him a cup of teaPG Tipshis favourite. When I was back with the steaming tea and a battered soft scone to start talking about my exciting experience of playwrighting what did I see? He shredded them all.

I can never forget my teameach and every one of them, specially the ever-dependable Arif Rahman Shibly, innovative Emdad Hoque, delightful Karovi Mizan, hardworking Jasim Mallik, vibrant Munower Hussain Piyal, thorough Faria Hussain, steady Istanbul Hoque, optimist Khurshid Jahan, Moshir, Liakot, Polash, Saberi and giggly young Bizly Hoque and others who made their first steps and dedicated their energy to Bichitra's trend-setting stories on fashion, food, life style, environment, DIY and peo-

ple's skills. And who lead us to do so? Shahadath Chowdhury the leader of the leaders.

I remember Bichitra as my first safe haven in Bangladesh for my creativity. Creativity is an image-using process where you constantly draw from your inner well. But to do so or to excavate, you need to make sure it is well stocked. Also while you do that, you got to be gentle but sure and certain about leaving some worthy seeds so that they grow and stand tall in the horizon. Only few people can do that and he was one of them.

The outcome of Shahadat Chowdhury's intricate work was so obvious that from seventies through nineties a period of renaissance happened to the life of Bangladeshi people. The whole concept towards life changed towards a fresh start. Bichitra influenced even government policies. Shahadat Bhai was in and out of court because some silly ministers or offended criminals could not take our stories.

Originality flourishes in a cluster. At this sad moment, I remember my friends and colleagues from that period: knowledgeable Shahriar Kabir, perfectionist Alamgir Raman, simply brilliant Shamsul Islam Almazi, cool Chinmoy Mutshuddi, tough Kazi Zawad, authentic Anu Muhammad, the bird Mahmud Shafiq, wizard Muntasir Mamun, tolerant Ahmed Ali, daring Asif Nazrul, relentless Rafikur Rahman Reku, meticulous Malek Bhai, non-preentious Munir, swift Shundor Ali, emotive Masum, persistent Habib, the pair of markers Luthful Hoque and Alokesh Ghosh and above all the essential sizzle of Bichitra Rafikunnabi (Ronabi). Gosh! That sounds like an amazing, interesting, mouth watering assorted chocolate box of human delight! Yes it was. And who was the glue for this cluster? It was the one and only Shahadat Chowdhury.