

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ACADEMY OF RELIGION; AMERICAN
ASSOCIATION OF UNIVERSITY PROFESSORS;
PEN AMERICAN CENTER; TARIQ RAMADAN,

Plaintiffs,

v.

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security;
CONDOLLEEZA RICE, in her official capacity as
Secretary of State,

Defendants.

**DECLARATION OF
JOHN R. FITZMIER**

Case No. 06-588 (PAC)

DECLARATION OF JOHN R. FITZMIER

I, John R. Fitzmier, of Decatur, Georgia, do declare:

1. I am the Executive Director of the American Academy of Religion (AAR).

I have served as Executive Director since July 1, 2006, and have been a member of the AAR since 1986.

2. I received my education at the University of Pittsburgh (B.A., 1973), Gordon Conwell Theological Seminary (M.Div., 1981), and Princeton University (M.A., 1983 and Ph.D., 1986).

3. Before becoming the AAR's Executive Director, I served as Vice President for Academic Affairs and Dean, and Professor of American Church History, at the Claremont School of Theology (1999-2004). Prior to my work at Claremont I served on the faculty of the Vanderbilt University Divinity School (1986-1999).

4. In my capacity as Executive Director of the AAR, my duties include oversight of all operations of the AAR, including management of the Executive Staff (15 in number), planning and oversight of the Annual Meeting, fundraising, strategic planning, membership development, and Board relations.

The American Academy of Religion

5. The AAR is a non-profit learned society and professional association of teachers and research scholars in religion. Our Executive Offices are in Atlanta, Georgia, on the campus of Emory University. The AAR is the world's largest scholarly society dedicated to the academic study of religion.

6. The AAR's mission is to promote reflection upon and understanding of religious traditions, issues, questions, and values through excellence in scholarship and teaching in the field of religion. The AAR is dedicated to furthering knowledge of religion and religious institutions in all their forms and manifestations. Within a context of free inquiry and critical examination, the Academy welcomes all disciplined reflection on religion and seeks to enhance its broad public understanding.

7. The AAR's members teach in some 1,400 colleges, universities, seminaries, and schools in North America and abroad. The AAR has over 11,000 members. Approximately 14 percent of the AAR's members live outside of the United States and another 7 percent of our members, approximately, are residents in the United States but are not citizens of the United States.

8. The AAR fulfills its mission through Academy-wide and regional conferences and meetings, publications, professional programs, grants and awards. A sampling of the AAR's activities includes:

9. The Annual Meeting. Each year the AAR, in concert with the Society of Biblical Literature, hosts a conference that brings together scholars from around the nation and the world to engage in scholarly conversation, to do job searches, and to view books displays from hundreds of publishers. The November 2006 gathering had 11,018 registrants, who participated in over 600 scholarly and professional sessions during the conference. Some 1500 of these conferees resided outside of the United States.

10. Efforts to foster the public understanding of religion. In addition to its work with member-scholars, the AAR works closely with a number of individuals and organizations to foster the public understanding of religion. The AAR offers an online media referral service called Religionsource, which responds to journalists' requests for referrals to scholars with expertise in specific religion topics. The AAR awards annual prizes for the best in-depth news reporting on religion, and annually bestows the Martin E. Marty Award in recognition of an individual who has made outstanding contributions to the public understanding of religion. The AAR has formed a "Public Understanding of Religion" standing committee, whose charge is to foster "attention to the broad public understanding of religion and the role of religion in public life. This charge is principally achieved by developing ways to make the expertise of scholars in religion available to the media and the public." To this end, the AAR also makes some sessions at its Annual Meeting open to the public. At the 2006 Annual Meeting, sessions with the following titles were open to the public: "Young African American Men: Policy, Culture, and Faith," "Religion after September 11," "Jim Wallis and Critical Responses to his book *God's Politics*," and "A Conversation with Madeleine Albright."

11. Assisting the government. At Annual Meetings, members of the Academy consult with federal agencies, including FBI agents associated with the FBI's Critical Incident Response Group; federal and state government directors of prison chaplaincy programs; and ordained representatives of various religious faiths. At its Annual Meeting in November, 2006, the AAR collaborated with the Library of Congress to sponsor two panel discussions of the role of religion in the United States and in international relations: "Writing the Story of America's Religious Origins," (with authors Susan Jacoby, Mark Noll, Stephen Prothero, and Jonathan Sarna, and co-sponsored by the National History Center) and "Legislating International Religious Freedom," (with Thomas F. Farr, former director, State Department Office of International Religious Freedom; scholars Allen D. Hertzke, Elizabeth Prodromou, and Winnifred Fallers Sullivan; and co-sponsored by the Pew Forum on Religion & Public Life).

12. International Connections. In 1991, AAR created the International Connections Committee to foster attention to the worldwide scope of scholarship in religion and the international composition of the Academy's membership. To fulfill its charge, the committee sponsors special programs, engages in scholarly conversation with scholars abroad, and extends hospitality to international attendees at the Annual Meeting. The number of international registrants at the Annual Meeting has increased in recent years. At the most recent Annual Meeting, 1530 registrants, of a total registration of 11,018, came from outside the United States. In the coming years, the Committee hopes to enhance its services to international scholars by outreach to scholarly associations in religion across the globe and by publishing articles about the international component of its work. Each year the Committee focuses on scholars from a particular nation or

region. In 2006 it focused on scholars from Africa; in 2007 its focus will be on scholars from China.

13. Publications of scholarly books, newspaper and journal. In collaboration with Oxford University Press, the AAR publishes five book series for scholarly and classroom use. The series are entitled *Cultural Criticism, Reflection and Theory in the Study of Religion, Teaching Religious Studies, Texts and Translations*, and *Academy*. The AAR also publishes a quarterly newspaper, the *Religious Studies News*, as well as the *Journal of the American Academy of Religion*. The Journal is widely regarded to be the preeminent American journal in the field of religion. The content of *JAAR* spans various religions, with considerable attention being given to the study of Islam in recent years. A sampling of recent *JAAR* articles and reviews that treat Islam includes Ebrahim Moosa, review of *Islam: A Mosaic, Not a Monolith* by Vartan Gregorian (December 2006); Ibrahim Abu Bakar, review of *Globalization, Ethics and Islam: The Case of Bediuzzaman Said Nursi*, edited by Ian Markham and Ibrahim Ozdemir (June 2006); Liyakat Takim, review of *Islam: Its History, Teaching, and Practices* by S. A. Nigosian (June 2006); Edward E. Curtis, "African-American Islamization Reconsidered: Black History Narratives and Muslim Identity" (September 2005); Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, reviewed by Shahzad Bashir (September 2005); Carl W. Ernst, *Following Muhammad: Rethinking Islam in the Contemporary World*, reviewed by David D. Grafton (June 2005); Michael G. Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia*, reviewed by Robert W. Hefner (December 2004); Edward Curtis, *Islam in Black America: Identity, Liberation, and Difference in African-American Islamic Thought*, reviewed by C.

S'thembile West (September 2004); Tomaz Mastnak, *Crusading Peace: Christendom, the Muslim World, and Western Political Order*, reviewed by James L. Peacock (June 2004); Amir Hussain, "Misunderstandings and Hurt: How Canadians Joined Worldwide Muslim Reactions to Salman Rushdie's *The Satanic Verses*" (March 2002); R.S. Khare, ed., *Perspectives on Islamic Law, Justice, and Society*, reviewed by Rosalind Gwynee (JAAR, December 2001); Andrea Nusse, *Muslim Palestine: The Ideology of Hamas*, reviewed by Jeffrey T. Kenney (June 2001); and Lamin Sanneh, *Piety and Power: Muslims and Christians in West Africa*, reviewed by Fatima Harrak (September 2000).

The Effect of the Ideological Exclusion Provision on the AAR

14. The AAR has a special interest in ensuring that scholars and ideas can cross borders without interference. The study of religion, perhaps more than most other academic disciplines, is an international inquiry that requires engagement with scholars from other cultures and nations.

15. The AAR and its members are committed to defending and promoting intellectual and academic freedom. The AAR believes that the exclusion of scholars from participation in conferences on ideological grounds is a form of censorship that allows the government to regulate, stigmatize, and suppress the ideas it disfavors. Official regulation of ideas is antithetical to the values of an open and democratic society and to the freedoms on which the AAR and its members rely.

16. By its terms, 8 U.S.C. § 1182(a)(3)(B)(i)(VII) permits the government to engage in ideological exclusion. The provision (hereinafter, the "ideological exclusion" provision) permits the government to exclude anyone who "endorses or espouses terrorist activity" or "persuades others to support terrorist activity or a terrorist organization."

While the AAR is unequivocally opposed to terrorism, the statute is directed not at terrorism but rather at speech – speech that the AAR believes that its members, and the general public, have a right to hear. Because the statute does not define the words “endorse,” “espouse,” or “persuade,” the statute could readily be used to exclude scholars who, for example, study and teach about the concept of “just war” in Christianity or the concept of “jihad” in Islam; scholars who study and teach about the religious motives of suicide bombers; scholars who study and teach about institutions, such as madrasas, from which terrorists are alleged to be recruited; scholars who study and teach about organizations that the Department of State has designated as terrorist organizations; and scholars who study and teach about the rhetoric of radical Islam. The statute is made even more problematic by the sweeping manner in which the U.S. Code defines “terrorist activity” and “terrorist organization.”

17. Ideological exclusion is problematic because it limits the foreign scholars whom the AAR and its members can invite to lecture, attend academic conferences, and meet with inside the United States. Excluding scholars from the United States on the basis of ideology impoverishes academic discourse inside the United States and creates barriers between scholars in the United States and their counterparts in the rest of the world.

18. The government’s invocation of the provision to explain the revocation of Professor Tariq Ramadan’s visa in 2004 only heightened the AAR’s concerns. Professor Ramadan is a highly regarded scholar of Islam and a prominent scholarly voice on a wide range of issues in Islam and the place of Muslims in Western, democratic societies.

While Professor Ramadan has criticized U.S. foreign policy, he has consistently spoken

out against terrorism. In fact, he was invited by U.K. Prime Minister Tony Blair to join a task force fighting terrorism and extremism. The government's invocation of the ideological exclusion provision in reference to Professor Ramadan suggests that the provision is being interpreted in the broadest possible way.

19. The government's revocation of Professor Ramadan's visa in 2004 adversely affected the AAR in many ways. It made Professor Ramadan's attendance at the AAR's 2004 meeting uncertain, and this uncertainty created significant administrative burdens. The AAR was forced to plan for the possibility that Professor Ramadan would not be able to attend the event. When it became clear that Professor Ramadan would not be permitted to enter the U.S. to participate in the annual meeting, the AAR made plans to videoconference Professor Ramadan, who was in Montreal, in a one-hour session at our Annual Meeting, which was in San Antonio. The videoconferencing created unanticipated costs of approximately \$10,000 and required the AAR to change Professor Ramadan's address to an inconvenient early hour on Sunday. The last-minute change of plans reduced attendance at Professor Ramadan's session by more than half.

20. Professor Ramadan's inability to attend the conference meant that the AAR's members were denied the opportunity to meet with Professor Ramadan. They were denied the opportunity to engage in scholarly discussion and debate with Professor Ramadan at the planned plenary session or at various other sessions to which he was invited and in which he planned to participate. They were also prevented from engaging in the less formal scholarly exchanges that make the annual meeting a unique and invaluable resource for members. Videoconferencing is not a meaningful substitute for in-person discussion and debate. Scholarly exchange on complex, contested, and

sensitive issues like religion requires face-to-face conversation. Scholars cannot engage in substantive scholarly exchange with sufficient facility or depth via videoconferencing or other such technologies.

21. The AAR also invited Professor Ramadan to deliver a plenary address at its November 2006 Annual Meeting held in Washington D.C. Because the government again denied Professor Ramadan an entry visa, once again he had to appear via videoconference. Professor Ramadan was in Barcelona at the time and the AAR had to have him arrange to do the videoconference at midnight so that the AAR could do the conference in Washington, D.C. in the early evening. The approximate expense to the AAR was \$10,000. The AAR and its members were again denied the ability to converse with Professor Ramadan in person. Conversing through an electronic medium simply does not afford the level of conversational intimacy and corresponding effectiveness of communication that can occur in person. Nor does it create opportunities for the unscheduled, informal chats, during which people often create or strengthen professional relationships.

22. Professor Ramadan is a member of the Editorial Board of the AAR's Journal of the American Academy of Religion. Along with other members of that group, Professor Ramadan will be invited to attend the November 2007 Annual Meeting and, if present, will be invited to address the members of the AAR.

23. Beyond the Professor Ramadan case, the AAR is profoundly concerned about the effect the ideological exclusion provision has on academic discourse in the United States. Scholarship that attempts to understand violence perpetrated in the name of religion or radical religious philosophy is an important part of academic discourse

about religion. Many respected scholars of religion research, write, attempt to understand and teach about violence perpetrated in the name of religion. Scholars of militant Islam include Gary R. Bunt, University of Wales, UK (senior lecturer and director of the M.A. Islamic Studies program; author of *Islam in the Digital Age: E-jihad, Online Fatwas and Cyber Islamic Environments*); Avraham Sela, Hebrew University of Jerusalem, Israel (Professor of Middle Eastern Studies; coauthor of *The Palestinian Hamas: Vision, Violence, and Coexistence*); Shaul Mishal, Tel Aviv University, Israel (Professor of Political Science; coauthor of *The Palestinian Hamas: Vision, Violence, and Coexistence*); Beverley Milton-Edwards, Queen's University Belfast, Belfast, Northern Ireland, UK (Reader in Politics; 5 books on the Mideast, including *Islam and Violence in the Modern Era*); Efraim Karsh, University of London, UK (Professor and Head of the Mediterranean Studies Programme; author of *Islamic Imperialism*); Gregory James Barton, Deakin University in Australia; Raphael Israeli, Hebrew University of Jerusalem; Gilles Kepel, Institut d'Etudes in France; and Magnus Ranstorp, University of St. Andrews in Scotland. Diego Gambetta of the University of Oxford in England, and Rohan Gunaratna of the Nanyang Technological University in Singapore, study and write about Al Qaeda. Martin Durham of the University of Wolverhampton in England studies and writes about extremists in the United States. Steve Bruce of the University of Aberdeen in Scotland studies and writes about terrorism in Northern Ireland. David Chidester of the University of Cape Town in South Africa, Lorne L. Dawson of the University of Waterloo in Canada, and Ian Reader of Lancaster University in England all study controversial or new religious movements. Several of these scholars are members

of the AAR. Of those who are not, most are scholars whom the AAR and its members expect to invite to U.S. conferences and symposiums in the future.

24. The ideological exclusion provision could readily be used – as it appears to have been used in the Professor Ramadan case – to selectively exclude scholars whose political views the government disfavors. The statute subjects foreign scholars – and by extension, the Americans who invite those scholars to speak inside the United States – to an ideological litmus test. The government should not interfere with academic discourse in this way. The vitality of academic discourse in the United States depends in large part on the independence of that discourse from governmental regulation.

25. The AAR is particularly concerned about the use and potential use of the ideological exclusion provision in light of the growing number of Muslim scholars and religious figures who have recently been denied entry to the United States without public explanation. Among the many scholars and religious figures whom the government has recently excluded are Hamdi Salama, Ayman Al Wahab, Sami Faraj, and Zain Alabedeen, four Egyptian Muslim scholars who intended to visit Florida as guests of the American Muslim Association of North America, *see* Ruth Morris, *U.S. Officials Hold 4 Muslim Scholars at Miami Airport, then Return Them to Egypt*, South Florida Sun Sentinel, Sept. 21, 2006 (attached hereto as Exhibit A); Ismail Mullah, a South African imam who was invited to the U.S. by the Islamic Community Center of Northern Virginia, *see* Theresa Vargas, *After Homework, Duty as an Imam*, Wash. Post, Oct. 1, 2006 (attached hereto as Exhibit B); Kamal Helbawy, a prominent Egyptian-born Islamic scholar who had been invited to speak at the New York University Law School, *see* Michael Isikoff and Mark Hosenball, *Denied Entry*, Newsweek, Oct. 18, 2006 (attached

hereto as Exhibit C); and Fazlur Rahman Azmi, a senior Muslim cleric in South Africa, who was invited to preside over Ramadan prayers by the Muslim community in San Francisco, *see* Aziz Hartley and Sapa (AP), *Muslim Cleric Denied Entry to the U.S.*, The Pretoria News, Oct. 23, 2006 (attached hereto as Exhibit D). There is no public evidence that any of these people presented a threat to national security, and the circumstances of at least some of the exclusions suggest that the exclusions were ideological.

26. The AAR has intervened on behalf of some of the foreign scholars who have been excluded from the United States on the basis of their political beliefs and associations. For example, in August 2004, the Executive Director of the AAR wrote to then-Secretary of State Colin Powell and then-Secretary of Homeland Security Tom Ridge to express the AAR's concern over the decision to rescind a work visa for Professor Tariq Ramadan. *See* Letter from the American Academy of Religion and the Middle East Studies Association to Secretary of State Colin Powell and Secretary of Homeland Security Tom Ridge, Aug. 30, 2004 (attached hereto as Exhibit E). More recently, in March 2006, the Executive Director of the AAR wrote Secretary of State Condoleezza Rice to express concern over the government's blanket denial of visas to 55 Cuban scholars scheduled to participate in the Latin American Studies Association's International Congress, which was held on March 15-18, in San Juan, Puerto Rico. *See* Letter from the American Academy of Religion to Secretary of State Condoleezza Rice, Mar. 9, 2006 (Attached hereto as Exhibit F). Despite the AAR's intervention, the U.S. government has not offered an explanation for this set of exclusions.

27. The ideological exclusion provision adversely affects the AAR's ability to fulfill its mandate. Especially because the government is interpreting the statute broadly

(as the Professor Ramadan case shows), there is a great deal of uncertainty about which scholars may be found inadmissible or removable. When the AAR considers whether to invite a particular scholar to lecture or attend an event in the United States, the AAR must take into account the possibility that the government will determine that the scholar is ideologically unfit to enter or remain in the United States. The uncertainty surrounding the meaning and use of the law affects the AAR's determination whether or not to extend an invitation to the scholar in the first place. Uncertainty about which scholars will be admitted creates administrative burdens and increases expenses. Because the AAR has limited resources, these additional costs and burdens affect the AAR's ability to invite other foreign scholars in the future.

28. The ideological exclusion provision compromises the AAR's ability to contribute to the public's understanding of religion. The AAR has historically been committed to providing the American public access to a broad array of voices – including controversial voices – about religion. Religious scholars outside the U.S. – from France, the UK, Egypt, and Lebanon, for example – provide rich insights to U.S. scholars and to the American public at large, on a host of important issues, ranging from religious violence, to terrorism, to cultural accommodation. The absence of these voices will impoverish academic discourse and thwart the broader public understanding of religion.

29. The ideological exclusion provision will have a substantial effect on the AAR's activities even if the statute is invoked only occasionally. First, the AAR and its members often invite prominent scholars from abroad specifically because their views are contested in the United States or because they bring perspectives that differ from that of most U.S.-based scholars. The AAR believes that its members and the general public

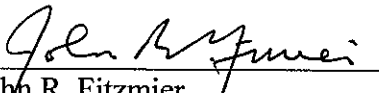
must have access to these foreign scholars and their ideas if we are to have serious and meaningful dialogue about religion, one of the most important and pressing issues of our time. The provision may be used only rarely, but it is likely to be used in those cases in which the speech at issue is most valuable to the AAR, its members, and to the American public.

30. Second, some foreign scholars decline invitations to events in the United States because of the uncertainty about whether they will be able to attend and because they do not wish to expose themselves to the ideological scrutiny that may accompany the visa application process. For instance, Fatima Mernissi, a prominent Muslim scholar from Morocco, turned down an invitation from the AAR in 2003 because of fears about U.S. immigration policy and ideological scrutiny of Muslims. In addition, scrutiny of foreign scholars by the government not only stigmatizes the foreign scholar but also stigmatizes the inviting organization like the AAR.

31. The provision has an adverse effect even as to foreign scholars who are admitted to the United States. Foreign scholars who are admitted to the United States must limit their speech or risk being excluded from the United States in the future. Because recent legislation extends the ideological exclusion provision to the deportation context, the provision has a similar effect even on foreign scholars who are *resident* in the United States. Such scholars, who have roots both inside and outside the United States, often have unique perspectives on issues relating to religion. The ideological exclusion provision discourages such scholars from speaking freely about issues relating to religion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16th day of February, 2007.



John R. Fitzmier

EXHIBIT A

Sun-Sentinel.com

<http://www.sun-sentinel.com/news/local/miami/sfl-cback21sep21,0,742905.story?coll=sfla-news-miami>

U.S. officials hold 4 Muslim scholars at Miami airport, then return them to Egypt

By Ruth Morris
South Florida Sun-Sentinel

September 21, 2006

Federal immigration authorities held four Muslim scholars for 24 hours at Miami International Airport, denying them access to a bed or a phone, then sent them back to Egypt without a clear explanation for their removal, an American Muslim association charged Wednesday.

Sofian Abdelaziz, director of the American Muslim Association of North America in Miami, said his group had invited the four to lead prayers at mosques in Broward and Miami-Dade counties during the holy month of Ramadan, which starts Sunday.

He called the incident an "outrage," and said it thwarted efforts to expose Muslim youths to religious leaders who reject the extremist views that have inspired terrorists. During Ramadan, observant Muslims fast from dawn to dusk to focus energy on their inner faith.

"I consider this a big disaster for our community this year," Abdelaziz said. "We are against extremism, and we are not dealing with sheiks and imams who have a policy to teach extremism ... We lost four good educators."

Abdelaziz said his organization had sponsored similar visits during Ramadan for the past seven years, without any visa hitches.

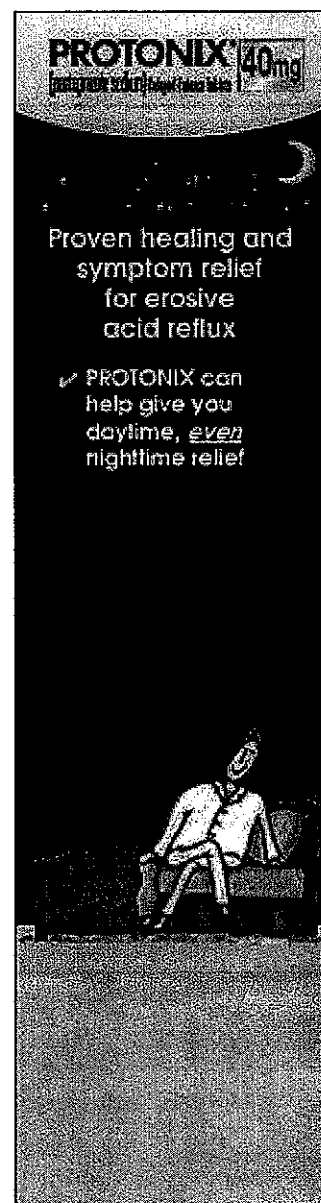
U.S. Customs and Border Protection agents can deny admission to visitors for a variety of reasons, but do not generally comment on those decisions.

Zachary Mann, a spokesman for the agency, said the four men voluntarily withdrew their applications for admission.

He said visitors with valid visas might be deemed "inadmissible" on security grounds or because of health considerations, among other reasons. Airline schedules could delay sending inadmissible visitors home, Mann added.

Arab and Muslim organizations have complained that their members are singled out for exhaustive airport checks and interviews, particularly in the wake of the Sept. 11, 2001, terrorist attacks. Others say the increased scrutiny is a necessary precaution, not discrimination.

The Council on American-Islamic Relations released a report two weeks ago showing that incidents of anti-Muslim discrimination were on the rise in South Florida and nationwide, with reports varying from graffiti and vandalism at mosques to pressure for women not to cover their heads at work.



Abdelaziz said immigration authorities treated the Egyptian scholars disrespectfully by leaving them sitting in chairs for a day, with no place to lie down. He said he waited for the men for seven hours at the airport on Monday, then received a call from them as they boarded their return flight Tuesday afternoon -- 24 hours later. They could not communicate what was happening because authorities did not let them use a phone, Abdelaziz said.

The four men were Hamdi Salama, Ayman Al Wahab, Zain Alabedeen, and Sami Faraj, all Egyptian religious scholars. Salama made a similar voyage to the United States last year and stayed for two months.

Mann defended immigration agents, saying they offered the Egyptian scholars food and water regularly. He said the agency "strives to treat all travelers with respect and in a professional manner, while maintaining the focus of our mission to protect all citizens and visitors in the United States."

Ruth Morris can be reached at rmorris@sun-sentinel.com or 305-810-5012.

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EXHIBIT B

washingtonpost.com

After Homework, Duty as an Imam

With Cleric's Visa Denied, Va. Center Enlists Its Most Learned: Two Teens

By Theresa Vargas
Washington Post Staff Writer
Sunday, October 1, 2006; A01

The boy, round-faced and thin, stood in front of the hundred or so men, his arms crossed, his eyes closed. When he knelt, they knelt. When he stood, they stood. When he stumbled for a word, squinting to access the search engine of his mind, they waited.

In a few hours, 13-year-old Aman Chhipa would be back at home sitting in front of his computer playing a video game, pretending he was a knight slaying giant spiders with a gem-laden sword. But at that moment, and for an hour each night this month, he is a boy leading a room full of men.

Aman and another teenager, Uzair Jawed, 16, were thrust into the revered role of imam, or prayer leader, at the Islamic Community Center of Northern Virginia, mostly out of desperation. A cleric from South Africa was supposed to lead the center's nightly prayer for Ramadan, the holiest month for Muslims, as he had done for the past three years. But after Ismail Mullah arrived at Dulles International Airport on Sept. 22, he was detained by U.S. Customs and Border Protection officials and sent back to South Africa.

The center, in Woodbridge, had prepared for months for Mullah's arrival and had paid thousands of dollars for his airfare. Without him, its leaders had less than a day to find a hafiz -- someone who had memorized the more than 6,200 Arabic verses of the Koran and could recite them without looking at the text.

They searched among the adults. No one. They called other mosques. No one.

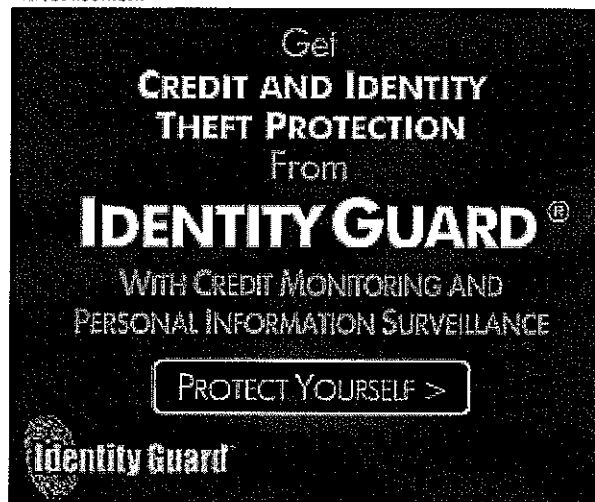
They then turned to the two boys, the only ones among them who had mastered the text enough to guide the congregation through the 30 sections in 30 days. The Koran is divided into 114 chapters containing more than 6,200 verses comprising about 80,000 words. It is like learning part of the Bible in Latin when you don't speak Latin.

"I thought, how am I going to do this?" Aman said. "I was nervous. It's a huge responsibility."

Aman is an eighth-grader at Fred M. Lynn Middle School in Woodbridge whose family is from India. He memorized the Koran by age 10. Uzair, 16, is a ninth-grader at Woodbridge Senior High School whose family is from Pakistan. He memorized it by the time he was 13.

Together, they lead the nightly prayer, correcting each other when needed, as is custom. Days that were once spent perched in front of a PlayStation 2 for hours, they said, are now heavy with studying that starts about 5 a.m. and stretches to about 11:30 p.m., with school and life in between.

Advertisement

An advertisement for Identity Guard. The background is dark with white text. At the top, it says "Get CREDIT AND IDENTITY THEFT PROTECTION From IDENTITY GUARD®". Below that, in smaller text, "WITH CREDIT MONITORING AND PERSONAL INFORMATION SURVEILLANCE". In the center, there is a button that says "PROTECT YOURSELF >". At the bottom left, there is a small circular logo with a fingerprint and the text "Identity Guard".

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**CREDIT AND IDENTITY
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PERSONAL INFORMATION SURVEILLANCE
PROTECT YOURSELF >
Identity Guard

"Before we were hafiz, we were just kids," Uzair said.

He and Aman might be the nation's youngest imams, said Nihad Awad, the national executive director of the Council on American-Islamic Relations, the largest Islamic civil liberties group in the United States. The two are also a testament to the post-9/11 need for U.S. Muslims to groom their own leaders and stop depending on those from other countries, he said.

"Imams who come from overseas, sometimes they bring a different mentality. They come from Muslim-majority places. They have different cultures, norms and traditions," Awad said. "I think it's important that we develop our own."

Aman's father, Nasir Chhipa, a director at the center, agreed. Mullah's inability to enter the country left the community disappointed and with many questions, he said. Some men who came to pray in the first few days left in frustration to search for another scholar. The ones who have stayed, he said, have come to depend on the boys.

The teenagers have taken on their community's burden and hopes -- at least for a month.

"In some sense, I think whatever happened, it happened for the good," Chhipa said. "We learned a lesson from this. . . . We have to produce our own scholars."

Long Days With the Koran

When Aman was 7, his father enrolled him in a school in Pennsylvania where he took academic classes for three hours a day and studied the Koran for 8 1/2 . "When I first dropped him off, it was very hard for me. I literally cried," Chhipa said. "Every day I called them and said, 'Could I talk to my son?' The principal said, 'You have to be patient.' "

About three years later, in the middle of Ramadan, the principal called him and said that Aman, whose name means peace, had finished memorizing the text. "When I saw him reciting the Koran without looking at the book, that was the moment of my life," Chhipa said.

Memorizing the text is only part of the challenge in becoming a hafiz. He must practice daily. "It's easy to memorize; it's very hard to remember," Chhipa said. "The Koran is nobody's friend. If you forget the Koran, the Koran will forget you."

Aman studied daily before, but now it consumes almost every moment of his downtime. He begins reading the Koran shortly after waking at 4:30 a.m. for breakfast and continues reading it at any possible moment during the day, even taking the Koran to lunch with him. "They ask me, 'What's that book?' " he said of the other students.

His classmates don't know he's a hafiz, he said. But at the center, the men who stand behind him in prayer each night don't call him just Aman anymore, they call him "Hafiz Aman" -- like Dr. or Mr. or Professor.

"People will greet me properly, not as if I'm their friend but as if I'm their senior," Aman said.

It was strange at first, he said, but he's getting used to it.

"When I was small, I used to always think that I wanted to be something big when I grew up," said

Aman, whose upper lip is showing the start of a mustache.

Uzair, who wears a respectable beard, said that as the community has started giving him more respect, he's started behaving differently, trying to act in a way that deserves it. When his father told him on that Friday that he would have to recite the prayers the next day, he said it was both an honor and terrifying.

"I was nervous. I was thinking I wouldn't be able to do it," he said, adding that with each day it has become easier, almost fun. "We're just trying to enjoy it because we have no other option."

His schedule has become much like Aman's. Wake up before sunrise, study the Koran, go to school, come home, study the Koran, break the Ramadan fast and study the Koran. In between, he prays five times and does his homework.

The Woodbridge center is simple, consisting mostly of a large community room and small office, hidden behind a Subway and video rental store on Jefferson Davis Highway. The center has a regular imam, but he has not memorized the Koran.

Those who congregate there said they are grateful for the boys. Still, they know they lost something when Mullah's entry was denied. In addition to leading the prayer, he would have guided donations and doled out advice if needed. The teenagers cannot play such a role, because it is the equivalent of asking them to have a master's degree in Islam.

"A young kid and a grown priest is a big difference," said Fahad Mirza, 29, adding that the boys are "wonderful" but that "they are there just because we have no choice."

The Council on American-Islamic Relations is writing letters to politicians demanding to know why Mullah and other scholars were turned away at the last minute. Nationwide, at least four other Islamic scholars were denied entry, without explanation, Muslim community leaders said.

They are questioning why the government waited until the men arrived in the country instead of denying their visas early enough for the mosques to find replacements.

"We don't want this to fall in the cracks and to just be forgotten. We need to get answers from our government," Awad said. "We want people to be abiding by the law. We want to protect our country. . . . At the same time, we just want to make sure we do not step on people's rights and that we continue to be an open and welcoming society."

Officials with U.S. Customs and Border Protection would not say why Mullah was turned away but said more than 1,000 people are denied entry every day for a variety of reasons. Kelly Klundt, a spokeswoman, said: "The State Department may issue a visa which allows someone to apply for admission into the U.S. It is not necessarily a guarantee that they will be permitted."

Those at the center describe Mullah as a soft-spoken man who was born in Gujarat state in India. They said his speeches were not extreme.

Chhipa said he had spoken briefly with him since the incident. "He said, 'I don't know why they did it to me.' . . . He said they only said, 'We're only doing our job.' "

Mullah was glad to hear that the center had found a replacement for him, Chhipa added.

Leaders, and Now Friends

The teenagers weren't really friends before, seeing each other only occasionally during prayer time at the Woodbridge center. But now their parents say they are attached, having developed a friendship through their shared responsibility.

After the prayers ended one recent night, the boys shuffled out of the center, looking as tired as the older men among them.

Waiting for Uzair at home was algebra, English and Spanish homework.

Aman, who had finished his homework earlier that day, would get to steal a few rare moments of play. Within minutes of walking into his house, he shed his traditional garb for sweat pants and a T-shirt emblazoned with the word "basketball" -- his favorite sport. He then swooshed down in front of the computer, clicked on his favorite video game and within seconds was lost in a wooded area of imaginary beasts. In one corner of the screen, he chatted with friends in a language far from Arabic: "Sup?" and "Kool."

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EXHIBIT C



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Denied Entry

U.S. security officials have prevented an influential Islamic scholar from attending a conference in New York.

WEB EXCLUSIVE

By Michael Isikoff and Mark Hosenball

Newsweek

Updated: 6:54 p.m. ET Oct 18, 2006

Oct. 18, 2006 - A leading member of Britain's Muslim community, headed to New York for an academic conference, was forced to leave his transatlantic flight without explanation by the U.S. Department of Homeland Security earlier today.

The removal of Kamal Helbawy, the 80-year-old founder of the Muslim Association of Britain, came just minutes before his American Airlines flight was due to take off from London's Heathrow Airport. The incident is the latest instance in which U.S. security officials have denied prominent Muslim leaders entry to the United States.

The move startled officials at New York University Law School who had invited Helbawy to be a featured speaker at a conference the organization is sponsoring Thursday night on the Muslim Brotherhood movement. "He's a really respected guy," said Paul Cruickshank, a fellow at the law school's Center for Law and Security, which had organized the conference. "He's very influential within the Muslim community in Britain and his name is recognized throughout the world."

Spokesmen for the Homeland Security Department and FBI declined any immediate comment on why Helbawy, a British citizen with a valid passport, was removed from the plane. A senior U.S. government official, who declined to be identified talking about sensitive matters, said he was puzzled by the incident because there appeared to be no intelligence reporting linking Helbawy to terrorism.

Helbawy, an Egyptian-born Islamic scholar, was for years a leading spokesman in Europe for the Muslim Brotherhood, a secretive organization founded in Egypt that some U.S. officials say is dedicated to spreading a radical brand of Islam throughout the world.

While not denying his affiliation with the Brotherhood, Helbawy described himself in a telephone interview today as a moderate who has publicly denounced terrorism "thousands of times." He also noted that he serves on the Muslim Council of Britain—a semiofficial British government advisory committee that works to turn British Muslims away from violence.

As recounted by Helbawy, he had already settled into his seat on American Airlines Flight 105 this morning when he heard his name called on the loudspeaker just a few minutes before the plane was due to take off. After reporting to the front of the aircraft, a member of the flight crew asked him to step off the plane for two minutes. When he did so, he was greeted by a U.S. Homeland Security official who began questioning him about his background, his connections to the Muslim Brotherhood and his reasons for attending the conference in New York.

"If you want to ask me any more questions, my solicitor should be here," Helbawy said he then told the Homeland Security agent. The agent replied that if he wanted to go to the United States, he should go to the U.S. Embassy in London and get a visa—an explanation that Helbawy said made no sense because British citizens generally don't need to apply for a visa in advance of a temporary visit to the United States.

"This is stupidity," Helbawy said about the decision to evict him from the plane. "They shouldn't be preventing moderates from talking and discussing. The extremists are going to point to this and say, 'This is your American administration. Look at what they are doing. You talk about trying to bring peace. This is what is going to happen to you'."

The action against Helbawy comes just a few weeks after the State Department denied a visa to Tariq Ramadan, another prominent Islamic scholar, for the second time. That action provoked widespread criticism from civil-liberties groups who noted that, like Helbawy, Ramadan has publicly disavowed violence.

Both cases, however, may suggest heightened U.S. government sensitivity about the Muslim Brotherhood, an organization whose precise goals and methods have become a subject of increasingly intense debate. Ramadan, for example, is the grandson of Hassan al-Banna, who was the founder of the Muslim Brotherhood in Egypt. Although he no longer serves as the spokesman for the group in Europe, Helbawy said he is still a member of the Brotherhood. Officials familiar with U.S. intelligence estimates say the Brotherhood itself is generally not regarded as a terrorist organization, although factions that have splintered from the group—some of which later became part of Al Qaeda—did later turn to violence.

Karen Greenberg, the executive director of New York University's Center for Law and Security, said that Helbawy was the second Brotherhood member invited to this week's conference who was denied entry to the United States. Abdel Monem Abul Elfotuh, a leading member of the Brotherhood in Egypt, was also denied a visa to enter the United States after already being announced as a speaker at the conference.

Greenberg said the controversy about the Brotherhood, and its ultimate goals, is one of the reasons her organization thought it was so important to have a conference on the subject. Her goal, she said, was to have members of the Brotherhood speaking at the conference rather than simply American or European academics talking about what they think the Brotherhood represents.

"They didn't want to have his conversation to happen in public," said Greenberg about the U.S. government officials who prevented Helbawy from coming to the country. "It looks like they are afraid of the words that are going to come out of somebody's mouth."

URL: <http://msnbc.msn.com/id/15320752/site/newsweek/>

EXHIBIT D



Muslim cleric denied entry to the US

By Aziz Hartley and Sapa-AP

One of South Africa's most senior Muslim clerics has been denied entry into the United States, prompting questions from San Francisco Bay area Muslims who invited him to participate in activities marking the end of the holy month of Ramadan.

Fazlur Rahman Azmi, deputy leader of the Gauteng-based Jamiatul Ulema Transvaal, was detained by US Customs and Border Protection officials when he arrived at San Francisco International Airport from London.

Azmi, who had made previous visits to the country as recently as April without problems, was questioned for hours. He was then denied entry and sent on a plane out of the country on Saturday, said the Council on American-Islamic Relations, a civil liberties group.

'All he does is teach at the mosque and pray'

Michael Fleming, a Customs and Border Protection spokesperson, confirmed that Azmi was forced to leave the country after a brief detention.

"His application for entry into the US was determined to be inadmissible," said Fleming. He refused to give any details

of the case.

Jamiatul Ulema Transvaal has expressed its dismay at Azmi's detention and him being denied entry to the US.

"We are disappointed to hear he has been sent back home. He is a very religious man who had no other motives. I have not spoken to him personally and don't have details of what happened.

"But we are amazed at the US authorities' decision," Jamiatul Ulema Transvaal spokesperson Maulana Ebrahim Bam said on Sunday. Azmi was expected back in South Africa on Monday, he said.

'The message in this case has been negative'

About 1 000 people are denied entry into the US every day for reasons that include inadequate travel documents or because their names appear on a US government watch list.

Nawaz Khan of the Fremont, California-based Islamic Society of East Bay, whose members waited at the airport on Friday while officials questioned Azmi, said: "There's nothing suspicious about him. He is not involved in any political groups. All he does is teach at the mosque and pray."

Khan said no one from the group was allowed to speak to Azmi or provide food for the 60-year-old man, who is diabetic and was fasting during the day in observance of Ramadan.

Officials only gave Azmi chips and water, he said.

"The way visiting Islamic leaders are treated by American authorities can send either a positive or negative message to Muslims worldwide," CAIR spokesperson Ibrahim Hooper said. "So far, the message in this case has been negative."

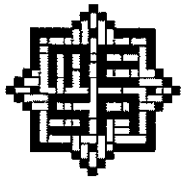
- This article was originally published on page 1 of The Pretoria News on October 23, 2006

PRETORIA NEWS

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EXHIBIT E



**Middle
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of North America, Inc.

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August 30, 2004

The Honorable Colin Powell
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Tom Ridge
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Powell and Secretary Ridge:

We, the Middle East Studies Association of North America's Committee on Academic Freedom and the Board of Directors for the American Academy of Religion, are writing to express our very grave concern regarding the decision of the Department of State, made public last week, to rescind the visa for the well-known scholar of Islam Dr. Tariq Ramadan. Dr. Ramadan was slated to take up an appointment in the religion department of the University of Notre Dame, beginning earlier last week. He had received his visa in April 2004, only to have it rescinded, without explanation, in early August. The Department of State's decision was reportedly taken on the basis of information provided by the Department of Homeland Security. Neither department has made public any reason for the decision. We request that you take the necessary steps to reverse this decision as a matter of urgency, in order that Dr. Ramadan can lecture and meet with students.

The Middle East Studies Association of North America (MESA) comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa, and is the preeminent professional association in the field. The association publishes the *International Journal of Middle East Studies*, and is committed to ensuring respect for the principles of academic freedom and freedom of expression in the region and in connection with the study of the Middle East and North Africa.

The American Academy of Religion (AAR) is the major scholarly society and professional association of scholars and teachers in religion. With 10,000 members, the Academy fosters excellence in research and teaching in the field and contributes to the broad public understanding of religion and religions. The AAR publishes the flagship scholarly journal in religion and books in five series through Oxford University Press.

The decision to rescind Dr. Ramadan's visa is particularly troubling on two grounds. First, he had already received his visa, going through the rigorous screening process that your Departments have implemented for foreign visitors. As far as we are aware, neither Dr. Ramadan nor the University of Notre Dame were consulted regarding any problems or new information that might give cause to rescind his visa.

Second, the lack of explanation for rescinding the visa raises serious questions about the cause of the decision. In the absence of any explanation, we fear that pressures were applied to reverse the granting of the visa by people who disagree with Dr. Ramadan's views as a scholar and as a public intellectual. That fear is exacerbated by the unsourced comments in some media outlets about alleged "links" between Dr. Ramadan and terrorist groups. There is absolutely nothing in the public record regarding Dr. Ramadan, or in his scholarly production, that would indicate any basis whatsoever for such allegations—and Dr. Ramadan is a scholar very much in the public eye in Switzerland, where he resides and teaches, and in Europe more generally. To us, these allegations smack of a character assassination campaign designed to suppress Dr. Ramadan's voice at a prominent American university.

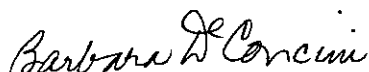
Denying qualified scholars entry into the United States because of their political beliefs strikes at the core of academic freedom. On that basis alone the decision to deny Dr. Ramadan access to our country is unacceptable. We also find the decision profoundly counter-productive to the stated aims of our national policy. As our country tries to understand better the Muslim world and to encourage interpretations of Islam which reject violence and terrorism, we will have to be open to dialogue with Muslims who hold political opinions that do not espouse violence but do differ from the opinions of some Americans or are critical of U.S. policies. If controversy is cause enough to deny someone a visa, our prospects for reaching out to Muslims around the world are very dim. The decision to bar Dr. Ramadan from teaching and meeting students and other academics, if allowed to stand, will represent a very low mark with regard to the Bush administration's commitment to the free exchange of ideas and freedom of expression.

We are aware of absolutely no evidence for allegations that Dr. Ramadan has advocated violence or been associated with groups which perpetrate violence. On the contrary, important scholars and reputable universities have testified to his academic credentials and his character as a researcher and teacher. If the U.S. government has evidence to the contrary, let it be made public, to reassure the American public that untoward political pressures are not affecting the government's decisions. In the absence of such evidence we can only conclude that denying Dr. Ramadan permission to enter the country constitutes a direct attack on academic freedom and freedom of speech. We respectfully urge you to reconsider this unfortunate decision and reinstate Dr. Ramadan's visa without delay.

Yours sincerely,



Amy W. Newhall
Executive Director
Middle East Studies Association
of North America



Barbara DeConcini
Executive Director
American Academy of Religion

cc: Hon. Paula Dobriansky, Undersecretary of State for Global Affairs
Hon. Elizabeth Jones, Assistant Secretary of State for European and Eurasian Affairs
Hon. William Burns, Assistant Secretary of State for Near Eastern Affairs
Sen. Richard Lugar, Chairman, Senate Foreign Relations Committee
Sen. Joseph Biden, Ranking Minority Member, Senate Foreign Relations Committee

Rep. Henry Hyde, Chairman, House Committee on International Relations

Rep. Tom Lantos, Ranking Minority Member, House Committee on International
Relations

The Rev. Edward A. Malloy, President, University of Notre Dame

Professor Scott Appleby, Director, The Kroc Institute for International Peace Studies, The
University of Notre Dame

Mr. Matthew V. Storin, Associate Vice President, Office of News and Information, The
University of Notre Dame

Professor Tariq Ramadan

Stephen Kinzer, Chicago Bureau for The New York Times

EXHIBIT F

AAR

AMERICAN ACADEMY OF RELIGION

Fostering Excellence in the Study of Religion

March 9, 2006

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Rice:

I am contacting you on behalf of the American Academy of Religion (AAR), the world's largest association of scholars and teachers in the study of religion. The AAR is deeply concerned over the United States Government's blanket denial of visas to fifty-five Cuban scholars scheduled to participate in the Latin American Studies Association's (LASA) International Congress, to be held on March 15-18, in San Juan, Puerto Rico. We urge you to reverse this action, which seriously interferes with the higher education community's capacity to fulfill our core mission and represents a serious threat to academic freedom.

This denial of visas to Cuban scholars is part of a larger pattern of excluding scholars whose ideas may conflict with those of the current administration or persons in the U.S. Government. We are confronted increasingly with the difficulties encountered by many of our international colleagues in securing visas to participate in scholarly debate and argument with their American peers at scholarly conferences in the United States hosted by American learned societies. Such restrictions compromise our scholarly mission and our professorial responsibilities. This is especially true in a field like Latin American Studies and in my own field, religion, which are inherently international in scope and attention.

Intellectual exchange and scholarly collaboration across national borders is essential for our community, as we seek to advance mutual understanding. It is critical for foreign scholars to have freedom of access to our academic meetings—and just as critical for American scholars to be free to engage in scholarly argument about significant contested issues in our fields.

The 10,000 members of the American Academy of Religion join our voices with our colleagues across the disciplines in urging you to reconsider the U.S. State Department's exclusion of international scholars on ideological grounds. Such exclusion poses a dire threat to advancing knowledge and understanding and impoverishes us as Americans

and citizens as well. Allowing--indeed, encouraging--scholars to engage in open and free debate with colleagues from around the world can only be of benefit to the interests of the United States.

Yours,

A handwritten signature in cursive script, reading "Barbara DeConcini". The signature is written in dark ink and is positioned below the word "Yours,".

Barbara DeConcini, PhD
Executive Director
American Academy of Religion