

**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;  
CONDOLEEZZA RICE, in her official capacity as  
Secretary of State,

Defendants.

Case No. 06-588 (PAC)

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiffs in the above-captioned action respectfully move the Court to enter summary judgment in their favor. In this suit, plaintiffs challenge the government's violation of their First Amendment and statutory rights by its continuing exclusion of Tariq Ramadan, a prominent Swiss scholar. Plaintiffs also challenge the facial validity of section 411(a)(1)(A)(iii) of the USA Patriot Act, as amended and codified in 8 U.S.C. § 1182(a)(3)(B)(i)(VII), a provision that permits the executive branch to exclude aliens on the basis of speech that United States citizens and residents have a constitutional right to hear. There are no genuine issues of material fact in dispute. For the reasons stated in the attached Memorandum in Support of Plaintiffs' Motion for Summary Judgment, plaintiffs are entitled to judgment as a matter of law. Plaintiffs respectfully request oral argument.

Respectfully submitted,

s/Jameel Jaffer

JAMEEL JAFFER (JJ-4653)

MELISSA GOODMAN (MG-7844)

American Civil Liberties Union Foundation

125 Broad Street, 18th Floor

New York, NY 10004-2400

(212) 549-2500

JUDY RABINOVITZ (JR-1214)

LUCAS GUTTENTAG (LG-0329)

American Civil Liberties Union Foundation

Immigrants' Rights Project

125 Broad Street, 18th Floor

New York, NY 10004-2400

ARTHUR N. EISENBERG (AE-2012)

New York Civil Liberties Union Foundation

125 Broad St.

New York, NY 10004

CLAUDIA SLOVINSKY (CS-1826)

396 Broadway, Suite 601

New York, NY 10013

Of Counsel:

LEON FRIEDMAN (LF-7124)

148 East 78th Street

New York, NY 10021

Feb. 23, 2007