

**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.

**DECLARATION OF
MELISSA GOODMAN**

Case No. 06-588 (PAC)

DECLARATION OF MELISSA GOODMAN

I, Melissa Goodman, of Brooklyn, New York, do declare:

1. I am counsel for plaintiffs in this action and in *ACLU v. Dept. of State*, No. 05-9509, a related Freedom of Information Act (“FOIA”) suit that sought information about the government’s use and interpretation of 8 U.S.C. § 1182(a)(B)(3)(VII), the “ideological exclusion provision,” previously codified at 8 U.S.C. § 1182(a)(B)(3)(VI).

2. On January 18, 2007, plaintiffs, the Department of State (“DOS”), and the Department of Homeland Security (“DHS”) – the remaining parties to the FOIA suit – entered into a stipulated settlement. Upon receipt of statistical information about the use of the ideological exclusion provision by DOS and Customs and Border Protection (“CBP”), a component of DHS, plaintiffs agreed to dismiss the suit.

3. On January 22, 2007, this Court entered a Stipulation and Order of Settlement and Dismissal and the FOIA action was dismissed.

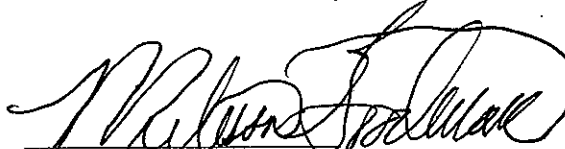
4. On April 11, 2007, counsel for the government informed plaintiffs' counsel by letter that the CBP statistics provided to plaintiffs as part of the FOIA settlement were likely inaccurate and that a new search and record review was underway. Exh. A (Letter from David Jones to Jameel Jaffer dated April 11, 2007).

5. On June 19, 2007, plaintiffs received a supplemental FOIA production from CBP. CBP stated that it had located an additional 263 pages that were responsive to the FOIA request and that pertained to the exclusion of individuals under the ideological exclusion provision. 239 pages were released with partial redactions. 24 pages were withheld in their entirety under privacy and law enforcement exemptions. The withheld pages "consist of website articles on individuals" mentioned in the released documents. Exh. B (Letter from Shari Suzuki to Jameel Jaffer dated June 18, 2007).

6. The records in the supplemental production document at least 10 exclusions under the ideological exclusion provision. One set of records relates to an exclusion that appears to have been effected after border officials interrogated a foreign national about his religious views and his opinions about the war in Iraq. Exh. C (Supplemental FOIA documents 27-44).

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 21st day of June, 2007.


Melissa Goodman