

**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
JANE BUCK**

Case No. 06-588 (PAC)

DECLARATION OF JANE BUCK

I, Jane Buck, of Newark, Delaware, do declare:

1. I am the President of the American Association of University Professors (AAUP). I have been a member of the AAUP since 1965 and I have served as the AAUP's President since June 2000. I have also served at the national level as a member of the AAUP's governing board, the Council, for three terms, and at various times, as a member of the AAUP's Committee on Government Relations and its Committee on the Historically Black Institutions and Scholars of Color. I have also served as the President of the Delaware Conference of AAUP Chapters and as President and Treasurer of the Delaware State University Chapter of AAUP.

2. I received the following degrees from the University of Delaware, Newark, Delaware: Bachelor of Arts in Political Science; Master of Arts in Economics; Master of Education in Educational Psychology; and Ph.D. in Behavioral Sciences.

3. From 1969 through 1998, I taught in the Psychology Department at Delaware State University in Dover, Delaware.

4. In my capacity as President of the AAUP, I preside at meetings of the AAUP's Council and of the Executive Committee of the Council; represent the AAUP at meetings of other organizations; serve *ex officio* on all standing committees of the Association and as a member of the executive committees of all state conferences; appoint members of all standing committees; and participate with the elected leadership, the AAUP's General Secretary and other staff in the development of Association policy.

The American Association of University Professors

5. The AAUP is a non-profit organization based in Washington, D.C., with 45,000 members consisting of university faculty, graduate students, librarians, and academic professionals. The AAUP's mission is to advance academic freedom and shared governance, to define fundamental professional values and standards for higher education, and to ensure higher education's contribution to the common good. Founded in 1915, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and support academic freedom in this country's colleges and universities.

6. Membership in the AAUP is open to all faculty, librarians, graduate students, and academic professionals at two- and four-year accredited public and private colleges and universities. The AAUP has over 500 local campus chapters and 39 AAUP

statewide organizations. Leadership is provided by biennially elected national officers drawn from colleges and universities across the country. The Association is governed by an elected national Council that meets twice a year, and by an Executive Committee that meets four times a year.

7. Thousands of faculty members call on the AAUP each year for advice and assistance. The AAUP is best known for assisting individual faculty members whose academic freedom or due process rights have been threatened or violated. In addition to this “case work,” the Association works with Congress and state legislators to promote effective higher education legislation. The Association also issues policy statements on topics of importance to the academic community. Examples of recent statements include policies on distance education, intellectual property, graduate student education, and work and family. The AAUP annually publishes a nationally acclaimed faculty salary report that includes a comprehensive analysis of faculty salaries and benefits. In addition to its regular programs and conferences, the AAUP issues reports each year on subjects of special interest. Recent initiatives include reports on academic freedom and national security, academic freedom and electronic communication, and the use of part-time and non-tenure-track faculty.

8. Since its founding in 1915, the AAUP has been committed to defending and promoting academic freedom in the United States. The 1940 *Statement of Principles on Academic Freedom and Tenure*, which was jointly drafted by the AAUP and the Association of American Colleges and Universities, provides that academic freedom protects the right of teachers to “full freedom in research and in the publication of the results” and “to freedom in the classroom in discussing their subject.” Academic

freedom requires the liberty to learn as well as to teach. The AAUP articulated this principle in 1967 in its Fifty-third Annual Meeting, when it affirmed in the resolution on “Restraints on Visiting Speakers” “its belief that the freedom to hear is an essential condition of a university community and an inseparable part of academic freedom,” and that “the right to examine issues and seek truth is prejudiced to the extent that the university is open to some but not to others whom members of the university also judge desirable to hear.” In 1976 in its Sixty-second Annual Meeting, the AAUP in a resolution on the “Free Circulation of Scholars,” stated that, “The free circulation of scholars to countries other than their own, to participate in symposia and to accept invitations for temporary teaching assignments, is essential to ensure the exposure of faculty and students to the broadest spectrum of academic approaches and viewpoints.”

9. The AAUP’s members also routinely invite foreign scholars to speak at and participate in conferences sponsored by their academic institutions in order to engage them in academic and political debate, and to collaborate with them on academic projects. In order to facilitate academic exchange and collaboration, the AAUP’s members also invite foreign scholars for less formal visits. The AAUP believes that the exclusion of scholars on ideological grounds skews and impoverishes academic and political debate inside the United States, creates artificial barriers between scholars in the United States and their counterparts in the rest of the world, and deprives United States citizens and residents of information that they need in order to make responsible and informed decisions about matters of political importance.

10. The AAUP has repeatedly urged reform of United States immigration laws in order to facilitate visits to this country by foreign scholars and students. During the

1970s and 1980s, for example, the AAUP spoke out against provisions of the McCarran-Walter Act that barred the admission of individuals thought to be associated with the Communist party. In 1981, the AAUP passed a resolution against portions of the Immigration and Nationality Act that permitted the denial of visas to “persons intending to visit this country on non-immigrant status for bona fide academic reasons ... because of their political beliefs or associations.” Those provisions were used to exclude, among many others, Gabriel Garcia Marquez, Pablo Neruda, Graham Greene, Carlos Fuentes, and Dario Fo. See Rob Evans & David Hencke, *U.S. Felt Ban on Graham Greene “Tarnished Its Image,”* The Guardian (Sept. 22, 2003) (attached hereto as Exh. A).

11. The AAUP has promoted support for academic freedom in other ways. In September 2002, for example, the AAUP established the Special Committee on Academic Freedom and National Security in a Time of Crisis (“Special Committee”). The Special Committee has identified, described and commented on national security issues that have emerged since September 11, 2001, and on their implications for academic freedom. The Special Committee published a report in November 2003 (Nov/Dec ACADEME), 2003, *Academic Freedom and National Security in a Time of Crisis*, arguing that “freedom of inquiry and the open exchange of ideas are crucial to the nation’s security, and that the nation’s security and, ultimately, its well-being are damaged by practices that discourage or impair freedom.” The report stresses the importance of foreign students and scholars to the U.S. academic community. It notes that recently implemented immigration policies were creating a backlog of visa applications, causing delayed start dates for many scholars and an overall decline in the number of international students enrolled in

American universities. The report expresses concern that immigration policies were excluding foreign scholars by casting too wide a net in screening out potential terrorists.

12. In 2005, as part of an effort to promote “fair and timely procedures for noncitizens who seek visas . . . to study, teach, or collaborate with researchers in the United States,” the AAUP’s Committee on Government Relations adopted international education and scholarship as one of its major federal legislative priorities. Accordingly, the Association has taken positions on legislation to reform visa procedures; submitted comments on regulations regarding the difficulty faced by foreign students and scholars waiting to enter this country to conduct research in U.S. colleges and universities; issued general statements supporting more rational visa policies to ensure the exchange of ideas among American and international scholars to enhance knowledge.

13. Over the last twenty-five years, the AAUP has also repeatedly intervened on behalf of foreign scholars who were excluded from the United States on the basis of their political beliefs and associations. For example, in January 1983, the General Secretary of the AAUP wrote to the Secretary of State to express the Association’s concern over the denial of visas to two Cuban philosophy professors who had been invited to participate in a conference sponsored by the American Philosophical Association. *See* Letter of Irving J. Spitzberg, Jr. to Secretary of State George Schultz (Jan. 7, 1983) (attached hereto as Exh. B). In March 1983, the General Secretary sent a similar letter to the Secretary of State concerning the denial of a visa to a professor at the University of the West Indies who was scheduled to participate in a conference at the University of Cincinnati. *See* Letter of Irving J. Spitzberg, Jr. to Secretary of State George Schultz (Mar. 22, 1983) (attached hereto as Exh. C). In February 1986, the

President of the AAUP wrote to the Secretary of State expressing concern over the prospect that a visa would be denied to Dr. Joyce de Wangen-Blau, a professor who had been invited to speak in New York City at the March 22 opening of the first Kurdish library in North America. Dr. De Wangen-Blau was denied a visa. *See* Letter of Paul H.L. Walter to Secretary of State George Schultz (Feb. 21, 1986) (attached hereto as Exh. D).

14. The AAUP has also advocated against restrictions on the right of American scholars to travel to foreign countries to lecture, attend conferences, and meet with their academic counterparts. In March 2004, for example, the AAUP wrote to the Office of Foreign Assets Control to protest actions taken by that office to bar scholars in the United States from traveling to Cuba to attend an international conference on brain injury. *See* Letter of Mary Burgan to Office of Foreign Assets Control (Mar. 12, 2004) (attached hereto as Exh. E).

15. The AAUP has engaged in these activities because it believes that the free circulation of scholars is inextricably connected to the free exchange of ideas.

The Effect on the AAUP of Tariq Ramadan's Exclusion from the United States

16. The AAUP learned in August 2004 that defendants had revoked a visa that would have allowed Professor Tariq Ramadan to teach at the University of Notre Dame. The revocation of Professor Ramadan's visa raised serious concerns for the AAUP. Tariq Ramadan is considered by scholars to occupy a unique place among leading Islamic thinkers and reformers. He advocates the exploration and application of Islamic traditions and values within a modern pluralistic context, and he has written more than

twenty books exploring reinterpretation and reform within Islam itself and between the Islamic world and its neighbors around the globe.

17. The AAUP actively protested Professor Ramadan's exclusion. In August 27, 2004, after defendants revoked Professor Ramadan's H1-B visa, the AAUP wrote to the Secretaries of State and Homeland Security to urge that the government reconsider its position. The letter conveyed the Association's concern that "the action excludes a foreign scholar who was invited to teach in the United States by one of our most distinguished universities." It continued: "Foreign scholars offered appointments at an American institution of higher learning should not be barred by our government from entering the United States because of their political beliefs or associations or their writings." Letter from Robert M. O'Neil to Secretary Powell and Secretary Ridge dated Aug. 27, 2004 (attached hereto as Exh. F).

18. The government's actions also severely constrained the AAUP's ability to include Professor Ramadan as a speaker and participant in the AAUP's Ninety-first Annual Meeting in June, 2005. The purpose of the AAUP's Annual Meeting is twofold. First, it is part of the constitutional structure of the Association where certain specific Association decisions are made by the AAUP members in attendance. Second, the Annual Meeting serves an educational function, providing seminars on AAUP principles and initiatives, an opportunity for Association committees to report on their activities for the year, and a forum for discussing current issues in higher education. The theme of last year's annual meeting was "Academic Freedom and National Security," and the AAUP invited Professor Ramadan to deliver a plenary address on this general topic.

19. After Professor Ramadan expressed interest in accepting the AAUP's invitation to speak at the conference, the AAUP sought assurances from the Departments of State and Homeland Security that he would be permitted to enter the United States in order to attend. *See* Letter from Roger Bowen to Secretaries Rice and Chertoff dated March 29, 2005 (attached hereto as Exh. G). The letter stated that the uncertainty surrounding Professor Ramadan's ability to enter the country made it difficult to plan the meeting and to publicize Professor Ramadan's address; that "some AAUP members, particularly those who are scholars of religion, would like to meet with Professor Ramadan while he is here"; and that "informal meetings, which would facilitate debate, collaboration, and academic exchange more generally, are difficult to plan without some assurance that Professor Ramadan will be permitted to enter the country." Both the Department of State and the Department of Homeland Security responded in writing that they would not provide such assurances. *See* Letter from Maura Harty to Roger Bowen dated April 19, 2005 (attached hereto as Exh. H); Letter from Randy Beardsworth to Roger Bowen dated April 18, 2005 (attached hereto as Exh. I). Although the AAUP ultimately provided its members with an opportunity to hear Professor Ramadan speak by videoconference, AAUP members were unable to meet with Professor Ramadan, to interact with him face-to-face, or to benefit from his participation in the remainder of the conference program.

20. Defendants' actions are similarly constraining the AAUP's ability to include Professor Ramadan as a speaker and participant in the AAUP's Ninety-second Annual Meeting in June, 2006. After the Ninety-first annual meeting, the AAUP sent Professor Ramadan a letter thanking him for his video and telephone presentation. The

letter stated that “[t]he assembled members of the Association were moved and enlightened by your comments, though many expressed regret that you were not physically present.” Letter from Martin D. Snyder to Professor Ramadan dated June 14, 2005 (attached hereto as Exh. J). The letter also stated that the assembled members had unanimously approved an invitation to Professor Ramadan to address the Ninety-second Annual Meeting in person. The AAUP is concerned that Professor Ramadan’s continuing exclusion will once again prevent him from attending the annual meeting in person.

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 10th day of March, 2006.


Jane Buck