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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN ACADEMY OF RELIGION, :  
AMERICAN ASSOCIATION OF UNIVERSITY :  
PROFESSORS, PEN AMERICAN CENTER, :  
and TARIQ RAMADAN, :  
: **ECF CASE**  
Plaintiffs, : **06 Civ. 588 (PAC)**  
:   
- 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. :  
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**DECLARATION OF PAUL M. MORRIS**

PAUL M. MORRIS declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am employed as the Executive Director, Admissibility Requirements and Migration Control, in the Office of Field Operations, U.S. Customs and Border Protection ("CBP"), within the United States Department of Homeland Security ("DHS"), in Washington, D.C. I make this declaration based on personal knowledge and the records of CBP and DHS, with which I am familiar.

2. CBP's responsibilities include inspecting all aliens who arrive at United States ports

of entry to determine whether those aliens may be admitted into the United States. In discharging this responsibility, CBP maintains a variety of records concerning aliens who present themselves at ports of entry, including computer records with various data fields that can be searched electronically using a variety of criteria. I am familiar with CBP's recordkeeping systems and procedures relating to aliens who present themselves for admission into the United States.

3. I was asked to conduct, with the assistance of staff under my direction, a comprehensive search of CBP's records to identify all aliens found inadmissible by CBP pursuant to 8 U.S.C. § 1182(a)(3)(B)(i)(VII) (the current "endorse or espouse provision"), and its predecessor statute 8 U.S.C. § 1182(a)(3)(B)(i)(VI), which was the applicable statute from adoption of the U.S.A. PATRIOT Act in October 2001 until enactment of the REAL ID Act in May 2005 that addressed aliens who "endorse or espouse" terrorism. Collectively, these statutory provisions are referred to as the "endorse or espouse provision" in this declaration.

4. Under my direction, CBP staff conducted a search of CBP's complete electronic records of all aliens' applications for admission to the United States since the agency began recording adverse immigration actions in the applicable database on October 1, 2003. My office conducted a search of both the narrative text and the data field containing statutory cites for any references to the above-referenced statute sections or to the words "endorse or espouse." This search was the most thorough that CBP could conduct, and should have identified every instance in which CBP used the term endorse or espouse or cited the statutory sections in relation to an alien who presented himself or herself at a border crossing.

5. The electronic search identified 39 aliens as to whom the available records suggested

that the endorse or espouse provision may have been applied.

6. CBP staff under my supervision obtained and reviewed both whatever information was retrieved electronically and the actual administrative file ("A file"), where available, relating to each of these 39 aliens to assess whether the endorse or espouse provision in fact was applied.

7. The majority of the 39 aliens identified as potentially having been excluded pursuant to the endorse or espouse provision were not in fact determined to be inadmissible on that basis.

8. These aliens were identified due to the broad nature of the search conducted. We conducted a broad search knowing that it would flag many cases in which the endorse or espouse provision was not actually applied, because, due to a coding problem in the database in which the statutory cite for the endorse or espouse provision was not included in the list of cites in a dropdown menu, a more narrowly tailored search risked missing some cases that could potentially involve the endorse or espouse statute. An administrative review of the 39 files found pursuant to the search revealed that the endorse or espouse provision was not used as to most of the 39 aliens identified. Many of these aliens were children or spouses of known terrorists, and thus excludable under the pre-REAL ID Act version of § 1182(a)(3)(B)(i)(VII), which accounts for their identification during the electronic search.

9. Based on careful review of all available records of the 39 aliens identified through this comprehensive search, I and the staff that I supervised have determined that CBP refused admission to only one alien based on the endorse or espouse provision. This alien was refused admission under the Visa Waiver Program based on an application of the endorse or espouse provision. This alien sought admission on February 10, 2006, in Minneapolis, Minnesota. The individual was a national of Finland, and stated that the reason for his visit was pleasure.

10. Our review also showed that one alien was formally removed as an immigrant without an immigrant visa (8 U.S.C § 1182(a)(7)(A)(i)(I)) using the Expedited Removal authority found at 8 U.S.C. § 1225(b)(1), after CBP determined that the alien may have been inadmissible for endorsing terrorism. This alien sought admission to the United States on July 23, 2005, at Niagara Falls, New York. The alien was a national of Canada, and stated that the reason for his visit was pleasure.

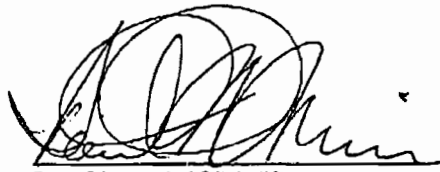
11. In addition, we determined that another eight aliens were allowed to voluntarily withdraw their applications for admission instead of risking a formal determination of inadmissibility after CBP had determined that they were or may have been inadmissible pursuant to the endorse or espouse provision. These individuals were nationals of: Canada (three aliens in separate incidents); Turkey; Costa Rica; Lebanon; and Pakistan (two aliens in separate incidents). Of these individuals, five stated that the purpose of their visit was pleasure, two stated that it was for a family visit, and the eighth was accompanying a spouse in a nonimmigrant status with an H-4 visa.

12. Nothing in CBP records indicates or suggests that any of the ten individuals referenced in the three preceding paragraphs was a scholar or academic, or that they intended to give speeches or attend conferences while in the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in: Washington, D.C.

May 21, 2007



PAUL M. MORRIS  
Executive Director  
Admissibility Requirements and  
Migration Control