

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
BARBARA DECONCINI**

Case No. 06-588 (PAC)

DECLARATION OF BARBARA DECONCINI

I, Barbara DeConcini, of Atlanta, Georgia, do declare:

1. I am the Executive Director and Treasurer of the American Academy of Religion (AAR). A member of AAR since 1975, I have served as AAR's Executive Director/Treasurer since 1991. Before my election as Executive Director and Treasurer, I served in various volunteer capacities with the AAR, including as President of the AAR Southeast Region, as a member of the AAR Program Committee, and as a regionally-elected member of the AAR Board of Directors.
2. I earned the Bachelor of Arts degree in English at Rosemont College in 1968, the Master of Arts degree in English at Bryn Mawr College in 1973, and the Ph.D. in Religion & Literature at Emory University in 1980.
3. Prior to working at AAR, I held various positions at the Atlanta College of Art (ACA) and Rosemont College. I served as Academic Dean of ACA from 1986 to

1991, as Interim President of ACA in 1985, and as a faculty member there from 1977 to 1991. From 1971 to 1974, I was the Associate Dean and a faculty member at Rosemont College.

4. In my capacity as Executive Director and Treasurer of AAR, I serve as the chief executive officer and the chief financial officer of the Academy, and am responsible for all Academy programs and operations. Reporting to the Board of Directors, I oversee assets of some nine million dollars, an operating budget of 2.3 million dollars, and 15 staff members.

The American Academy of Religion

5. AAR is a non-profit learned society and professional association of teachers and research scholars in religion. Our executive offices are in Atlanta, Georgia. AAR is the world's largest scholarly society dedicated to the academic study of religion.

6. AAR has over 10,000 members who teach in some 2,000 colleges, universities, seminaries, and schools in North America and abroad. Approximately 15 percent of AAR's members live outside of the United States.

7. 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 Academy is dedicated to furthering knowledge of religion and religious institutions in all their forms and manifestations. AAR fulfills its mission through Academy-wide and regional conferences and meetings, publications, programs, grants and awards, and professional services. 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.

8. In collaboration with Oxford University Press, AAR publishes books for scholarly and classroom use in five series: “Academy”; “Cultural Criticism”; “Reflection and Theory in the Study of Religion”; “Teaching Religious Studies”; and “Texts and Translations.” AAR also publishes a scholarly journal and other materials in both print and electronic formats.

9. AAR contributes to the public understanding of religion and fosters public dialogue about religion through several programs. At AAR annual scholarly conferences, the Academy hosts a range of attendees and participants, some of whom are themselves not religion scholars. These attendees include 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. Some events are open to the public. In addition, 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 also holds three annual contests for best in-depth newswriting 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 also provides Congressional Research Service (CRS) staff with referrals to scholars and publications enabling CRS to respond better to inquiries related to religion that it receives from Congress. The AAR is also collaborating with the Library of Congress in organizing panel discussions, which will be held at the Library and open to the public this year.

10. AAR and its members are frequently called upon to serve as resources to the public, media, and government on matters relating to religion. AAR’s Committee on

the Public Understanding of Religion was created to foster the public understanding of religion and to draw attention to the role of religion in public life. In 2004, the Committee on Public Understanding inaugurated an outreach program for prison chaplains; the program is intended to cultivate connections and exchanges between and among the nation's prison chaplains and scholars of religion. In 2004, the program was attended by prison chaplains from Colorado, North Carolina, Nevada, Ohio, Texas, and Washington. The Committee also co-sponsored a preconference workshop entitled, "Religion and Genetics: A Blueprint for Teaching," which attracted participants from a mix of seminaries and research universities, and public and private institutions. In 2005, the Committee sponsored a panel discussion on the Supreme Court's decisions regarding religion during Chief Justice Rehnquist's tenure. The prison chaplains program was attended by directors of prison chaplaincy programs from Arkansas, Colorado, Iowa, North Carolina, Pennsylvania, Washington, and Wyoming; the national director of the prison chaplaincy program for the Federal Bureau of Prisons and two staff members; and the president of the American Correctional Chaplains Association.

11. In furtherance of its mission, AAR also publishes a scholarly journal, the *Journal of the American Academy of Religion*. The *JAAR*, which is widely regarded as the preeminent American journal in the field of religion, publishes a diverse array of scholarship in the field of religion. The issue of September 2005 included, among other articles, "African-American Islamization Reconsidered: Black History Narratives and Muslim Identity," by Edward E. Curtis, IV, an Associate Professor of Religious Studies and Millennium Scholar of the Liberal Arts at Indiana University-Purdue University Indianapolis.; "Grading The Court on *Zelman*: School Vouchers and the Politics of

Establishment Jurisprudence,” by Jane E. Hicks, Assistant Professor at St. John Fisher College, and William R. Barnett, Associate Professor Emeritus at Le Moyne College; and “On Mandalas, Monarchs, and Mortuary Magic: Siting the *Sarvadurgatipariśodhana* Tantra in Tibet,” by Zeff Bjerken, Associate Professor at the College of Charleston.

12. *JAAR* commonly includes scholarship and book reviews about Islam and about the Muslim world. For example, in the last six years alone *JAAR* has published: Zaman, Muhammad Qasim, *The Ulama in Contemporary Islam: Custodians of Change*, reviewed by Shahzad Bashir (*JAAR*, September 2005); Ernst, Carl W., *Following Muhammad: Rethinking Islam in the Contemporary World*, reviewed by David D. Grafton (*JAAR*, June 2005); Michael G. Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia*, reviewed by Robert W. Hefner (*JAAR*, December 2004); Curtis, Edward E. IV, *Islam in Black America: Identity, Liberation, and Difference in African-American Islamic Thought*, reviewed by C. S'thembile West (*JAAR*, September 2004); Qumar-ul Huda, “The Light beyond the Shore in Theology of Proper Sufi Moral Conduct” (*JAAR*, June 2004); Mastnak, Tomaz, *Crusading Peace: Christendom, the Muslim World, and Western Political Order*, reviewed by James L. Peacock (*JAAR*, June 2004); Amir Hussain, “Misunderstandings and Hurt: How Canadians Joined Worldwide Muslim Reactions to Salman Rushdie’s *The Satanic Verses*” (*JAAR*, March 2002); Khare, RS. Ed, *Perspectives on Islamic Law, Justice, and Society*, reviewed by Rosalind Gwynee (*JAAR*, December 2001); Nusse, Andrea, *Muslim Palestine: The Ideology of Hamas*, reviewed by Jeffrey T. Kenney (*JAAR*, June 2001); and Sanneh, Lamin, *Piety and Power: Muslims and Christians in West Africa*, reviewed by Fatima Harrak (*JAAR*, September 2000).

13. 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, and teach about violence perpetrated in the name of religion. For example, 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. Gregory James Barton at Deakin University in Australia, Raphael Israeli of the Hebrew University of Jerusalem, Gilles Kepel of the Institut d'Etudes in France, and Magnus Ranstorp of the University of St. Andrews in Scotland, all study and write about militant Islam. 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.

14. 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 AAR's annual meeting. The world's largest gathering of scholars in religion, the AAR Annual Meeting attracted 9,982 registrants in 2005. Each year, the number of international registrants at the annual meeting has increased. Between 2003 and 2005, the figure rose more than 2%, bringing the percentage of international registrants up to 14.5% (1338 registrants). In the coming

years, the Committee will enhance its services to international scholars by issuing advisories to international scholars on the Committee's website, by formal outreach to scholarly associations in religion across the globe, and by publishing articles about the international component of AAR's work in AAR's *Religious Studies News* and scholarly *Journal*. The Committee's goal for 2006 is to obtain funding to expand the participation of international religion scholars in the AAR's annual conference and publications programs.

The Effect of Tariq Ramadan's Exclusion on AAR

15. AAR and its members are committed to defending and promoting intellectual and academic freedom – freedoms that are predicates for sound scholarship. AAR believes that the exclusion of scholars on political grounds is a form of censorship that constrains these freedoms. To permit the government to engage in ideological exclusion is to permit 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 AAR and its members rely.

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

17. 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. 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 – and to understand – some of the most important and pressing issues of our time. 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. In January 2004, AAR President Jane Dammen McAuliffe invited Professor Ramadan to deliver a plenary address at AAR's 2004 annual meeting, which was to be held in November. Professor Ramadan was invited to deliver one of three plenary sessions featuring leading scholars discussing issues of pressing concern to AAR's members. AAR carefully scheduled the plenary sessions so that all conference participants could attend.

19. AAR invited Professor Ramadan because he 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. For example, in 2003, the French government imposed a prohibition on the display of Islamic headscarves and other religious symbols in state schools. Before that prohibition became law, Professor Ramadan debated the proposed law with France's Interior Minister, Nicolas Sarkozy, live on French national television. In December 2000, *Time* magazine named Professor Ramadan as likely to be one of the most influential people of the 21st century, labeling him "the leading Islamic thinker among Europe's second- and third-generation Muslim immigrants." Nicholas Le Quesne, *Trying to Bridge a Great Divide*, *Time*, Dec. 11, 2000 (attached hereto as Exh. A). In 2002, Salon.com published an article contending that Professor Ramadan could be "one of the most important intellectuals in the world."

Paul Donnelly, *Tariq Ramadan: The Muslim Martin Luther?*, Salon.com, Feb. 15, 2002 (attached hereto as Exh. B). Paul Donnelly, in an op-ed in the *Washington Post*, described Professor Ramadan's latest book as "perhaps the most hopeful work of Muslim theology in the past thousand years." Paul Donnelly, *The Ban on a Muslim Scholar*, Wash. Post, Aug. 28, 2004 (attached hereto as Exh. C). In September 2004, Jonathan Laurence wrote in *Forward* that Professor Ramadan "may be the most well-known Muslim public figure in all of Europe" and that Professor Ramadan "has used his prominence to urge young Muslims in the West to choose integration over disaffection." Jonathan Laurence, *Is this How the US Engages Muslims?*, *Forward*, Sept. 3, 2004 (attached hereto as Exh. D).

20. In the spring of 2004, Professor Ramadan accepted the invitation to speak at AAR's annual meeting. He said that he would deliver an address titled, "Islam and the West: The North American Context."

21. In August 2004, the government revoked a visa that would have permitted Professor Ramadan to teach at the University of Notre Dame. AAR and the Middle East Studies Association of North America (MESA) wrote a letter to U.S. Secretary of State Colin Powell asking him to reconsider the revocation. The letter stated, in part: "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.” Letter from AAR and MESA to Secretaries Powell and Ridge (Aug. 30, 2004) (attached hereto as Exh. E).

22. The State Department responded by letter dated September 3, 2004. In the letter, the State Department declined to reconsider the revocations. *See* Letter from State Department to AAR and MESA (Sept. 3, 2004) (attached hereto as Exh. F).

23. The government’s revocation of Professor Ramadan’s visa made Professor Ramadan’s attendance at the annual meeting uncertain. The uncertainty created significant administrative burdens, and 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, AAR made plans to videoconference Professor Ramadan’s one-hour session from Montreal.

24. The videoconference facility created unanticipated costs of approximately \$10,000 and required 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. At the originally scheduled time, no other AAR programs had been scheduled to conflict with Professor Ramadan’s lecture and discussion. At the rescheduled time, the videoconference conflicted with some 40 other sessions. Additionally, the attendees had already received the program book with the

original time, and conference organizers had no effective way to communicate the change to conference attendees.

25. Professor Ramadan's inability to attend the conference meant that AAR 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. Of course, scholars in the United States could still see Professor Ramadan speak on video and could still read his books. But this 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 any facility or depth via video conferencing or other such technologies.

26. In May 2005, Charles Mathewes, Editor of *JAAR*, invited Professor Ramadan to become a member of the Editorial Board for a two-year term beginning in 2006. Editorial Board Members are selected on the basis of their prominence in the field of religion. To ensure that a broad range of scholarly perspectives are represented in the journal, the Editorial Board has focused its attention on appointing international scholars of the world's major religious traditions. Editorial Board Members have several duties, including securing and reviewing manuscripts, providing book reviews for publication, and participating in the annual the Editorial Board meeting in conjunction with the AAR's annual meeting.

27. Professor Ramadan accepted the invitation to join the *JAAR* editorial board by email in June 2005. His term on the Editorial Board runs from 2006 to 2008, and thus Professor Ramadan is expected to attend AAR annual meetings in 2006 and 2007. The Editor of *JAAR* is concerned that Professor Ramadan's inability to attend the *JAAR* Editorial Board meetings in person this year and next will jeopardize the success of *JAAR* and negatively impact the functioning of the journal.

28. On January 17, 2006, the 2006 President of the AAR, Diana Eck, invited Professor Ramadan to give a plenary address at the 2006 AAR annual meeting. See Letter from Diana Eck to Tariq Ramadan (Jan. 17, 2006) (attached hereto as Exh. G). The 2006 annual meeting is scheduled to take place in November. Professor Ramadan has informed the AAR that he will attend if he is able to. However, AAR is concerned that Professor Ramadan's continuing exclusion will once again prevent him from attending the annual meeting and from fulfilling his obligations as a *JAAR* Editorial Board member.

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 13 day of March, 2006.



Barbara DeConcini