



ACLU Challenges Government's Ban On Renowned South African Scholar In Federal Court Today

In Oral Arguments, Group Says U.S. Unfairly Blocking Exchange Of Ideas In This Country

FOR IMMEDIATE RELEASE

June 25, 2008

BOSTON -- Today in federal court, the American Civil Liberties Union and ACLU of Massachusetts challenged the government's refusal to grant a visa to respected South African scholar Adam Habib. Last fall, the State Department refused Habib a visa after months of inaction, claiming that he is barred because he has "engaged in terrorist activities" -- but the government failed to explain the basis for its inflammatory accusation, let alone provide a single piece of evidence to prove it.

"By barring Professor Habib from speaking in the U.S. without any substantiation whatsoever, the government is stifling debate with a prominent critic of U.S. policy. But the government doesn't get to decide what we are allowed to hear and what we are not," said Melissa Goodman, a staff attorney with the ACLU National Security Project. "The government has not only deeply harmed the reputation of a respected professor, but its own reputation as a democracy that embraces a diversity of ideas."

In oral arguments before the U.S. District Court for the District of Massachusetts, the ACLU argued that the Departments of State and Homeland Security must grant Habib a visa because the government has no legitimate basis for preventing him from speaking to U.S. audiences.

Last September, the ACLU filed a lawsuit charging that the government's exclusion of Professor Habib amounts to censorship at the border because it prevents U.S. citizens and residents from hearing speech that is protected by the First Amendment. The ACLU brought this case on behalf of organizations that have invited Professor Habib to speak in the U.S., including the American Sociological Association, the American Association of University Professors, the American-Arab Anti-Discrimination Committee and the Boston Coalition for Palestinian Rights.

Habib is a renowned scholar, sought-after political analyst, and Deputy Vice-Chancellor of Research, Innovation and Advancement at the University of Johannesburg. He is also a Muslim who has been a vocal critic of the war in Iraq and some U.S. terrorism-related policies. Habib has repeatedly condemned terrorism but urged governments to respond to the terror threat with policies that are consistent with human rights norms and the rule of law. Until the government suddenly revoked his visa without explanation, he never experienced any trouble entering the U.S.; in fact, Habib lived in New York with his family for years while earning a Ph.D. in political science from the City University of New York.

The October 2006 revocation of Professor Habib's visa prevented him from attending a series of meetings with representatives from the National Institutes for Health, the Centers for Disease Control and Prevention, the World Bank, Columbia University and the Gates Foundation. When he landed in New York, Habib was detained for seven hours and interrogated about his associations and political views. Armed

guards eventually escorted him to a plane and deported him back to South Africa. The State Department later revoked the visas of Professor Habib's wife and two small children again without explanation.

"It is ironic that someone who studies democracies around the world can be refused entry into the U.S. because of political views that differ from the government's. Although I have analyzed -- and sometimes criticized -- American foreign policy as a public affairs commentator, it is utterly ridiculous that anyone could possibly associate me with terrorism," said Habib. "While the U.S. government's inflammatory, unsubstantiated label has caused harm to both my family and my reputation, this case is not about me -- it is about restoring the marketplace of ideas that has always made America unique."

Last May, Habib applied for a new visa that would allow him to travel to the U.S. to attend speaking engagements. The ACLU's lawsuit was prompted by the government's failure to process Professor Habib's visa in time for him to attend the annual meeting of the American Sociological Association in August 2007 and the fact that the application continued to languish after Habib received numerous new U.S. invitations.

"The government is using the immigration laws to silence a foreign policy critic and to censor political debate inside the United States," said Sarah Wunsch of the ACLU of Massachusetts. "The American people have a constitutional right to engage prominent scholars face-to-face."

Professor Habib's exclusion is part of a larger pattern. Over the past few years, numerous foreign scholars, human rights activists and writers -- all vocal critics of U.S. policy -- have been barred from the U.S. without explanation or on vague national security grounds. In 2006, the ACLU filed a similar lawsuit on behalf of U.S. academic groups and Professor Tariq Ramadan, a widely respected Swiss scholar of the Muslim world. When the government revoked his visa in 2004, Professor Ramadan was prevented from assuming a tenured teaching position at the University of Notre Dame. He remains excluded from the U.S. to this day.

Attorneys in the case are Goodman, Jameel Jaffer, Nasrina Bargzie and Judy Rabinovitz of the ACLU, and Wunsch and John Reinstein of the ACLU of Massachusetts.

More information about ideological exclusion -- including a podcast with Adam Habib, plaintiff statements in support of Habib, and the legal complaint in today's case -- is available at: www.aclu.org/exclusion

To learn more about how ideological exclusion affects scholars, listen to a podcast of Greek economics professor John Milios discussing his detainment and interrogation at New York's JFK airport in 2006. The podcast can be found at: www.aclu.org/multimedia/john_milios_final.mp3

-end-