

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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AMERICAN SOCIOLOGICAL ASSOCIATION;  
AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS; AMERICAN-ARAB  
ANTIDISCRIMINATION COMMITTEE;  
BOSTON COALITION FOR PALESTINIAN  
RIGHTS; and ADAM HABIB,

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.

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Case No. 07-11796 (GAO)

**DECLARATION OF VICTOR M. LAWRENCE**

In accordance with Fed. R. Civ. P. 56(f), I, Victor M. Lawrence, hereby make the following declaration.

1. I am a Senior Litigation Counsel with the United States Department of Justice; Civil Division, Office of Immigration Litigation. Among my primary responsibilities is the conduct of defensive immigration litigation in federal district court on behalf of the United States.
2. I am assigned as counsel to this case and have knowledge of the facts contained in this declaration.
3. Plaintiffs have moved for summary judgment and have accompanied their motion with a Statement of Undisputed Facts in Support of Plaintiffs' Motion for Summary Judgment (Statement). After reviewing this Statement, Defendants contend that a genuine issue exists over whether or not Plaintiffs meet the injury-in-fact requirement for purposes of showing their standing before this Court.
4. Defendants contend that Plaintiffs lack standing because they have not been harmed and are suffering no harm as a result of Defendants' actions. Defendants further contend that, despite Mr. Habib's exclusion, the use of satellite-based videoconferencing and other

communications technologies allows Plaintiffs to engage in face-to-face discussion and debate with Mr. Habib such that no First Amendment rights are infringed.

5. If Defendants are given the opportunity to engage in discovery, Defendants would investigate, through the use of discovery methods such as depositions, interrogatories, and requests for admissions, the accuracy of several assertions Plaintiffs make in their Statement, including, but not limited to, the following disputed facts:

Disputed Fact 1

**IV. The government's exclusion of Professor Habib has prevented U.S. audiences, including plaintiffs and their members, from engaging Professor Habib in face-to-face discussion and debate.**

The use of satellite-based videoconferencing and other technologies are communications methods that Plaintiffs overlook in making this assertion. Discovery on this issue would allow Defendants to investigate the extent to which Plaintiff groups (i) currently use or in the past have used alternative communications methods to communicate with speakers not present in the United States; (ii) have used such methods and what the result has been; (iii) have not used such methods and, if this is the case, why they have not used such methods; (iv) can justify their argument against the viability of alternative methods to receive speech from persons unable to be present in the United States to speak.

Disputed Fact 2

**IV.D. The visa and waiver denials prevent Professor Habib from attending upcoming speaking engagements in the U.S. and from accepting invitations for speaking engagements in the U.S., including events hosted by plaintiffs.**

As with Disputed Fact 1/Assertion IV, discovery on this issue would help the parties understand why, in view of satellite-based videoconferencing and other communications technologies, no option other than Mr. Habib's physical presence suffices with regard to Plaintiff groups' and others' receipt of speech from Mr. Habib.

Disputed Fact 3

**IV.E. The government's denial of a visa and waiver of inadmissibility to Professor Habib has prevented and continues to prevent plaintiffs, their members, and the U.S. public from engaging Professor Habib in face-to-face discussion and debate.**

Defendants respectfully refer the Court to Disputed Facts 1 and 2/Assertions IV. and IV.D. and Defendants' responses thereto, *supra*.

Disputed Fact 4

**IV.F. The government's exclusion of Professor Habib has caused and will cause plaintiffs administrative and economic harms.**

Plaintiffs have provided no support for this assertion, and it therefore is conclusory. This issue also directly goes to whether Plaintiffs have suffered injury-in-fact and have standing to proceed in this action.

6. Defendants respectfully request the opportunity to conduct discovery relating to Plaintiffs' standing in this matter, as Defendants believe that the requested discovery will yield information that will prove that Plaintiffs lack standing and that this case should be dismissed for want of jurisdiction.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

March 20, 2008  
Date

  
VICTOR M. LAWRENCE