

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

AMERICAN SOCIOLOGICAL ASSOCIATION;
AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS; AMERICAN-ARAB ANTI-
DISCRIMINATION 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.

**DECLARATION OF
MERRIE NAJIMY**

Case No. 07-11796 (GAO)

DECLARATION OF MERRIE NAJIMY

I, Merrie Najimy, of Watertown, Massachusetts, do declare:

1. I am the President of the American-Arab Anti-Discrimination Committee's ("ADC") Massachusetts Chapter ("ADC-MA"). I have been a member of the ADC-MA since 1998. I was a board member of the national ADC from June 2004 through June 2007.

2. I am a teacher at Thoreau Elementary School in Concord, Massachusetts, where I have taught for 13 years. I have been an educator for the last 17 years. I received my Bachelor of Science in Education in 1989 from Framingham State College in Massachusetts, and my Masters of Education in 1991 from Lesley College in Massachusetts.

3. In my capacity as the President of the ADC-MA, I bring the local Arab-American community together, advocate for the civil rights of those who are discriminated against, and work with educators to help them become effective advocates for Arab-American students in the state of Massachusetts. I am responsible for overseeing the ADC-MA's Board and Executive Director. I work with the Board to engage in strategic planning, develop fund-raising plans, and secure funds. I also work closely with the Executive Director to respond to discrimination complaints reported to the office and engage in grass-roots organizing.

The American-Arab Anti-Discrimination Committee's Massachusetts Chapter

4. The ADC is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. The ADC, which is non-sectarian and non-partisan, is the largest Arab-American grassroots civil rights organization in the U.S. It was founded in 1980 by former U.S. Senator James Abourezk, and has since combated racism, unlawful discrimination, and stereotyping of Americans of Arab descent. ADC also coordinates its efforts closely with U.S. federal, state, and local government agencies in facilitating open-lines of communication with the Arab-American community. The ADC has 38 chapters nationwide and members in all 50 states. With headquarters in Washington, D.C., ADC operates field offices in Boston, New York, New Jersey, Detroit, and San Francisco. The ADC-MA is a local chapter of the ADC. The ADC-MA is an inclusive organization with members throughout the state of Massachusetts.

The Effect of Adam Habib's Exclusion from the U.S. on the ADC-MA

5. The ADC's mission is to empower Arab-Americans, defend the

civil rights of all people of Arab heritage in the U.S., promote civic participation, encourage a balanced U.S. foreign policy in the Middle East, and support freedom and development in the Arab world.

6. Public education is a vital part of the ADC's mission. To this end the national ADC regularly holds public programs, seminars, and conferences, and publishes public education documents concerning, among other things, U.S. Middle East policy. Audience members are invited to engage scholars and experts on a range of issues. The ADC's public forums include presentations by invited speakers, organized question and answer periods, and more informal conversations that take place before and after the events themselves. Similarly, the ADC's local chapter in Massachusetts works to promote a more balanced U.S. Middle East policy, to serve as a reliable source for the news media and educators on that topic, and hosts local public education events to further those goals. The ADC-MA also strives to further a public dialogue about the U.S.'s policies in the Middle East. One particular area of interest to ADC-MA is how to bring a peaceful resolution to the Israeli-Palestinian conflict. International voices are an important component of this public dialogue. The ADC-MA's events attract a wide variety of people ranging from the ADC-MA's membership to local community activists and organizers to members of the general public who are interested in issues of civil rights and the Middle East.

7. The ADC has historically promoted an open discourse about the Arab and Muslim worlds and has protested the exclusion of Arab and Muslim scholars invited to speak or teach in the U.S. For example, in 2004, the ADC led a campaign against the government's exclusion of Professor Tariq Ramadan, a widely respected scholar of the

Muslim world who was prevented from accepting a teaching post at the University of Notre Dame as a result of the State Department's revocation of his visa, and who remains excluded from the U.S. today. *See, e.g.,* ADC Press Release, *Muslim Scholar's Visa Revoked: ADC Expresses Concern to DHS*, Aug. 25, 2005. ADC was personally affected by the revocation of Professor Ramadan's visa because he had been invited to speak at one of its national events.

8. The ADC and its members frequently invite foreign scholars to lecture, attend conferences, and meet other scholars inside the U.S. The ADC holds an annual conference which is attended by approximately 2,500 people every year. Attendees include foreign scholars. Depending on the programming, approximately 20-30 foreign scholars attend each year. These scholars come from around the globe, including from Canada, England, France, Egypt, Palestine, Jordan, Israel, Lebanon, Syria, Yemen, Oman, the United Arab Emirates, Qatar, Saudi Arabia, and Kuwait. Some foreign scholars who have recently presented at ADC national conferences include Dr. Mustafa Barghouthi (Palestine), Dr. Hannan Ashrawi (Palestine), Dr. Nemat Shafik (Egypt), Dr. Jamal Zahalka (Israel/Palestine), Raif Zreik (Israel), Mohamed Sid Ahmed (Egypt), Isam Al Khafaji (Netherlands), Dr. Tarif Khalidi (England), Dr. Bouthaina Shaaban (Syria), Dr. Azmi Bishara (Israel), Dr. Mona Makram-Ebeid (Egypt), Amira El-Zein (Lebanon), Dr. Murhaf Jouejati (Syria), Ramzi Abou Zeineddine (Lebanon), Dr. Atif Kubursi (Canada), Dr. Haider Abedl Shafi (Palestine), and Jonathan Kuttub (Palestine).

9. The ADC-MA also invites foreign scholars to speak at its events, particularly when the ADC-MA learns that those scholars already will be in the Boston area. For example, in October 2007, the ADC-MA co-sponsored a conference by the

ecumenical group Sabeel. The conference featured Archbishop Emeritus Desmond Tutu, United Nations Special Rapporteur John Dugard, and theologian Farid Esack, all of whom are from South Africa, two professors from Israel, a Palestinian Anglican priest, two Palestinian lawyers, the retired Anglican Archbishop of Canada, and several U.S.-based speakers. In 2005 the ADC-MA organized a lecture to be given by Rami Khoury, a reporter for the Lebanese newspaper, The Daily Star. Khoury spoke about U.S. foreign policy in the Middle East, and Lebanon in particular. In 2003, the ADC-MA co-sponsored an event that featured Hannan Ashrawi, a Palestinian scholar, who spoke about the Israeli-Palestinian conflict.

10. The ADC-MA has invited Professor Habib to speak at a public event co-sponsored by the Boston Coalition for Palestinian Rights and the ADC-MA. The forum is entitled "From South Africa to Israel Palestine: Lessons for Liberation," and is aimed at examining the parallels and distinctions between the response to the apartheid regime in South Africa and the Palestinian response to the Israeli- Palestinian conflict. The event is scheduled to take place in Boston in August 2008. Professor Habib has accepted the invitation.

11. Professor Habib is a renowned scholar, and an internationally sought after analyst. The ADC-MA invited Professor Habib to speak on this topic because his scholarship on South African social movements will help the ADC-MA, its members and the local community better understand the parallels and differences between the struggle of black South Africans living under apartheid and the Israeli-Palestinian conflict. The peaceful resolution in South Africa is an important comparative framework that could help to inform a non-violent resolution to the Israeli-Palestinian conflict.

12. The ADC-MA's members and the Arab community, many with families still living in Palestine, have a vital interest in the Middle East and in a peaceful resolution to the Israeli-Palestinian conflict. Professor Habib's perspective on how to move from conflict to liberation without violence is critical to working toward such a solution.

13. The government's refusal to grant Professor Habib a visa or a waiver of inadmissibility on the unexplained and unsubstantiated ground that he has engaged in terrorist activity prevents Professor Habib from speaking at the ADC-MA/BCPR event. His exclusion prevents the ADC-MA and its members from meeting and hearing Professor Habib speak. It also deprives the ADC-MA and its members of their ability to invite him to speak at other public forums.

14. Professor Habib's exclusion from the U.S. is the latest in what appears to be a recurring pattern or policy of excluding renowned scholars who may be viewed as critical of certain US policies. This policy of excluding foreign scholars not only curtails academic discourse and freedom, but also denies ADC members and the citizens of this nation the opportunity to be equipped with critical knowledge and understanding of paramount issues. Scholars who challenge the reigning orthodoxy or prevailing status-quo seem disproportionately affected. But excluding scholars because of their views runs counter to our foundational commitment to the freedom of speech. It is U.S. citizens, who are denied the opportunity to engage in face-to-face discussion with these scholars, who suffer.

15. The ADC-MA believes that the government should not be able to levy baseless accusations of terrorism against Professor Habib. These accusations not only

affect Professor Habib's reputation but also stigmatize organizations like ADC-MA that have invited him to speak.

16. Professor Habib and the expertise he brings is the centerpiece of the upcoming event. The event may be canceled if Professor Habib is unable to attend. The ADC-MA will not be able to afford an alternative like videoconferencing. Even if the ADC-MA could afford to have Professor Habib present his views by way of videoconferencing, it would be a poor substitute for gains to be had from face-to-face discussion, and the informal conversations that would occur if Professor Habib was present in-person. Professor Habib's physical presence would not only make it possible for him to speak with and engage audience participants both before and after the event, his physical presence during the event would also ensure a more engaged experience.

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 12 day of February, 2008.


MERRIE NAJIMY