NEWS RELEASE

ACLU In Court In Case Of South African Scholar Banned From U.S.

Professor Adam Habib Among Many Writers And Scholars Denied Entry On Basis Of Political Views

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BOSTON -- The American Civil Liberties Union is in federal court today to present arguments in the case of a prominent South African scholar who was denied a visa and is barred from attending speaking engagements in the U.S. The government has denied Professor Habib a visa on unspecified national security grounds.

According to the ACLU, the government denied Professor Adam Habib a visa not because of his actions but because of his vocal criticism of U.S. foreign policy, and his exclusion violates the First Amendment rights of organizations that have invited him to speak at conferences in the United States.

"The government can't censor the ideas U.S. citizens get to hear and stifle debate with foreign thinkers by shouting 'national security' without a shred of evidence to back it up," said Melissa Goodman, a staff attorney with the ACLU National Security Project. "Professor Habib's exclusion is motivated by his political views and associations, not his actions, and we're asking the court to immediately end this unconstitutional ban on his entry to the country."

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. In October 2006, the government revoked Professor Habib's visa without explanation. The revocation 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. In October 2007, the State Department denied Professor Habib's application for a new visa. The State Department claimed that Habib is barred because he has "engaged in terrorist activities," but refused to explain the basis for this accusation or provide any evidence to support it.

In December 2008, Judge George A. O'Toole, Jr. of the U.S. District Court for the District of Massachusetts ruled that the court had the power to review Professor Habib's exclusion and that the government must justify its actions. Thus far, the government has refused to do so.

The ACLU and the ACLU of Massachusetts filed the lawsuit in 2007 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. The lawsuit charges 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 ideological exclusion of scholars like Adam Habib violates the First Amendment rights of those who seek to meet with foreign scholars," said Larry Schwartztol, a staff attorney with the ACLU National Security Project. "Ideological exclusion is a form of censorship and it should not be tolerated in a country committed to free expression and democratic values."

The U.S. denial of a visa to Professor Habib is part of a larger pattern of "ideological exclusion." 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 March, dozens of the nation's leading academic, free speech and civil rights organizations sent a letter to Attorney General Eric Holder, Secretary of State Hillary Rodham Clinton and Secretary of Homeland Security Janet Napolitano urging them to put an end to the practice of ideological exclusion. The letter was signed by groups including the ACLU, the National Education Association and the Rutherford Institute.

In addition to Goodman and Schwartztol, attorneys in the Habib case are Jameel Jaffer and Judy Rabinovitz of the ACLU and Sarah Wunsch and John Reinstein of the ACLU of Massachusetts.

The full text of the letter to Attorney General Holder and Secretaries Clinton and Napolitano is available online at:
http://www.aclu.org/safefree/general/39050leg20090318.html

More information about the ACLU's work to end ideological exclusions is available online at:
http://www.aclu.org/exclusion

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