State Department Lifts Ban on Scholars

Update 2/16/10: The AAUP and other coalition members sent a letter to secretary of state Hillary Clinton thanking her for ending the exclusion of Habib and Ramadan and asking her to reconsider other, similar cases.

Secretary of state Hillary Clinton has signed orders (.pdf) that effectively end the exclusion of two prominent scholars previously barred from the United States. In separate lawsuits, the American Association of University Professors, the American Civil Liberties Union, and other organizations had challenged the denial of visas to Adam Habib, the deputy vice chancellor of research, innovation, and advancement at the University of Johannesburg, and Tariq Ramadan, chair of contemporary Islamic studies at St. Antony’s College, Oxford University.

"With the welcome decision to cease excluding Adam Habib and Tariq Ramadan from entering the United States, the State Department puts an end to one of the more shameful episodes in recent American history – the practice of preventing invited foreign scholars from meeting with American faculty and students on the basis of their political beliefs," says AAUP president Cary Nelson. “We may hope that such ideological exclusions are now entirely in our past, that our freedom of association and intellectual exchange will never again be compromised.”

In recent years, many foreign citizens have been barred from the United States when they sought to travel here to attend academic conferences, take up faculty posts, or perform other scholarly work. This alarming trend is at odds with fundamental AAUP principles and our nation’s historic commitment to the free exchange of ideas. The exclusion of Tariq Ramadan, a Swiss national and widely respected scholar of Muslim affairs, and Adam Habib, a South African citizen and prominent antiwar advocate, has been particularly worrisome for the AAUP.

Tariq Ramadan

In January 2006, the AAUP joined the American Academy of Religion and the PEN American Center in a suit contesting the exclusion of Tariq Ramadan. The lawsuit, which was litigated by the ACLU, sought to compel the government to admit Ramadan to the country so that the Association’s members could meet with him and hear his views. Over the years, Ramadan had visited the United States frequently to lecture, attend conferences, and meet with other scholars. Ramadan had accepted a tenured position at the University of Notre Dame in January 2004 and made arrangements to move from Switzerland when the government revoked his visa, apparently on the basis of what is known as the ideological exclusion provision of the USA
Patriot Act. Ramadan was subsequently invited to address the AAUP’s annual meeting and had to do so by video after again being denied a visa.

Adam Habib
In October 2006, Adam Habib was intercepted at John F. Kennedy International Airport and denied entry to the United States, where he was scheduled to meet with officers of the Social Science Research Council, Columbia University, the National Institutes of Health, and the World Bank. The denial was based on a portion of the USA Patriot Act that excludes aliens who have “engaged in a terrorist activity”; the government did not, however, provide any evidence for its determination that Habib had engaged in terrorist activity or define the type of activity in which Habib supposedly engaged. Habib, who earned a degree from the City University of New York, initially thought he might have been denied entry because of bureaucratic error stemming from the fact that he had once been a political prisoner under South Africa’s apartheid regime.

The AAUP joined the ACLU in filing suit on behalf of the AAUP and other organizations that had invited Habib to speak in the United States, including the American Sociological Association, the American-Arab Anti-Discrimination Committee, and the Boston Coalition for Palestinian Rights. Habib eventually addressed the AAUP annual meeting by telephone.

In both the Ramadan and Habib suits, AAUP contended that censorship at the border prevents U.S. citizens and residents from hearing speech that is protected by the First Amendment. It asked the court to rule that the government’s exclusion of Ramadan and Habib violated the First Amendment and that neither should be denied a visa on the basis of protected speech. The orders signed by Secretary Clinton state that, in the future, professors Habib and Ramadan will not be denied visas for the same reasons.