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SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ACADEMY OF RELIGION; AMERICAN)
ASSOCIATION OF UNIVERSITY PROFESSORS;)
PEN AMERICAN CENTER; TARIQ RAMADAN,)

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.)

06 Civ. 588 (PAC)

DECLARATION OF AARON I. MARTZ

I. Aaron I. Martz, declare and state as follows:

1. I am a Consular Officer at the U.S. Embassy in Bern, Switzerland. My responsibilities include adjudicating visa applications. I have been a Consular Officer with the Department of State since September 2005. I make the following statements based upon my personal knowledge, on information provided to me in my official capacity, and on my evaluation of that information.

2. On September 16, 2005, Mr. Ramadan submitted a visa application at the United States Embassy in Bern, Switzerland. Because the application was preceded by a prudential revocation of a prior visa, Department procedures required the Consular Officer to request a Security Advisory Opinion ("SAO") from Washington. In accordance with those procedures, an SAO was requested. Based on my training and

experience, I know that the purpose of an SAO is to ensure consistency and uniformity of interpretation of the law and to allow input from other interested U.S. Government agencies that may have information that is not otherwise available to the Consular Officer.

3. After the SAO on Mr. Ramadan was received at the Consulate, I carefully reviewed it and additional information provided by Washington, in light of all of the other information available to me, including the information provided by Dr. Ramadan in the visa application process, which included interviews in September and December 2005. In light of all of the information, I determined that Mr. Ramadan was inadmissible on the basis of 8 U.S.C. §§ 1182(a)(3)(B)(i)(I) and 1182(a)(3)(B)(iv)(VI). I reached that conclusion, because I believed that the facts supported an affirmative finding on each of the elements of the applicable law. With respect to Mr. Ramadan's relevant knowledge, I concluded that:

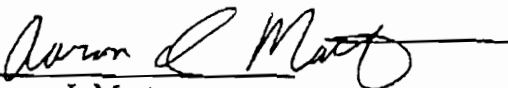
(a) Mr. Ramadan knew, or reasonably should have known, that providing funds directly to a group would afford "material support" to that group, as that phrase is used in the INA; and

(b) although ASP and CBSP, two groups to which he admitted making donations, were not publicly identified by the US Government as groups that raised money for Hamas, a designated Foreign Terrorist Organization, nevertheless, in light of all of the information available to me at the time I adjudicated the visa application, I concluded that Mr. Ramadan did not, and could not, demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that ASP and CBSP raised money for Hamas.

4. In determining that Mr. Ramadan was inadmissible, I exercised the authority accorded Consular Officers under 8 U.S.C. § 1201(g).

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

Executed this 13 day of July, 2007, in Bern, Switzerland.


Aaron I. Martz
Consular Officer