

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>Fethullah GÜLEN,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Civil No. 07-cv-2148</b>
	:	
<b>Michael CHERTOFF, et. al.,</b>	:	
	:	
<b>Defendants</b>	:	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’  
SUMMARY JUDGMENT MOTION**

Plaintiff Fethullah Gülen, by and through undersigned counsel, files this Response to the Defendants’ Motion for Summary Judgment. As set forth in Plaintiff’s Memorandum in Support of Motion for Summary Judgment, the administrative record reflects that Mr. Gülen is an alien of extraordinary ability in the field of education as defined in 8 U.S.C. §1153(b)(1)(A) and 8 C.F.R. § 204.5(h)(3). Mr. Gülen has submitted substantial evidence that his field of expertise is education and that he continues to work in this field of expertise in the U.S., which will substantially benefit the U.S.

**I. PLAINTIFF IS AN ALIEN OF EXTRAORDINARY ABILITY IN THE FIELD OF EDUCATION**

Plaintiff has submitted substantial evidence that he is an educator who is among the small percentage that has risen to the top of the education field. Defendants state “the evidence submitted in support of his application indicates that he is, in fact, a clergyman and not an educator.” *Defs.’ Mem. Supp. Summ. J.* 8. However, the weight of evidence

in the record clearly demonstrates that Mr. Gülen is an alien of extraordinary ability in education. The two fields are complementary and certainly not mutually exclusive.

Mr. Gülen's expertise qualifies in the field of "education" because he has developed methods of teaching that incorporate religious tolerance into educational institutions through a secular curriculum. Plaintiff's work in religious tolerance and education is used by a variety of institutions that transmit knowledge and culture, namely the hundreds of schools with curricula based on Mr. Gülen's methodology, universities that use his scholarly work as a basis for higher education courses, and educational conferences and symposia organized specifically around his work.

Mr. Gülen has developed an educational methodology that is used in the hundreds of Gülen schools throughout the world. In the late 1960s, he taught children at religious summer camps. (*A.R. p. 663*). In the 1970s, he and his followers built community houses and dormitories for students. *Id.* By 1978, Gülen began promoting activities that enabled pupils to attain higher education, such as establishing study centers which helped prepare students for entrance into university. (*A.R. p. 664*). In the 1980s, Gülen argued for more modern education institutions which combined Islamic values and non-secular education activities, which led to the development of private schools and private investment in education. *Id.* During the 1990s, he presented education as a cure for bridging the gap between the people inside and outside Turkey and as the basis for an inter-religious dialogue. (*A.R. p. 665-666*). In turn, the institutions that follow the Gülen educational methodology "provided, for many graduates, opportunities to take up careers at universities, in the economy, in state institutions, or as teachers." (*A.R. p. 666*).

Gülen's early experience in teaching and establishing schools led him to refine a methodology for education. The Gülen methodology operates in four parts. *See Yuksel A. Aslandogan and Muhammed Cetin, "Gülen's Educational Paradigm in Thought and Practice." Muslim Citizens of the Globalized World at 52 (Robert A. Hunt and Yuksel A. Aslandogan ed. 2007) (original book submitted to USCIS with I-140.)*<sup>1</sup> First, he advocates for a combination of tradition and modernity, including science, reason and technology in schools. *Id.* Second, he advocates for well-qualified and well-trained teachers and educators and the lack of profit-seeking in educational institutions. *Id.* Third, he advocates the non-politicization of education, scientific, and cultural issues, institutions and efforts. To achieve this, Gülen has encouraged the social elite and community leaders, industrialists, as well as small businessmen, to support quality education. With donations from these sources, educational trusts have been able to establish hundreds of schools, both in Turkey and abroad. *Id. at 34.* Lastly, he advocates for support from families and the wider community and parental involvement in schools.

This methodology has led to the development of the tripartite educator-parent-sponsor relationship that the Gülen schools follow. *Id. at 49.* In addition, he also has used the media as a tool for promoting education. Mr. Gülen encourages and inspires the use of mass media to inform people about matters of individual and collective concern and to aspire to greater visibility in the decision-making process which governs the media and defines the social agenda. *Id. at 51.* This four-part educational methodology and the educator-parent-sponsor model is the basis for the hundreds of private Gülen schools

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<sup>1</sup> This book is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

around the world. It is the educators at these schools that study and use Mr. Gülen's educational philosophy and work.

Defendants have focused on two articles in the administrative record to support their allegation that Plaintiff "seeks to cloak himself with academic status by commissioning academics to write about him and paying for conferences at which his work is studied." *Defs.' Mem. Supp. Summ. J. 11*. Defendants quote the transcript of an Australian radio program (*A.R. pp. 116-131*) in which Jill Carroll and Dale Eickelman discuss how the Gülen Movement inserts itself into institutions. Defendants, however, did not mention that both Jill Carroll and Dale Eickelman sent letters of support on behalf of Plaintiff which attested to Plaintiff's contributions to worldwide education and religious tolerance. Dr. Carroll stated, "*Mr. Gülen's work is well-known in academic circles, especially among those of us who specialize in comparative religions, Islam and other inter-religious affairs.*" Dr. Carroll opined, "*The particular genius of Mr. Gülen's work is that it combines a traditional, historical interpretation of Islam with the progressive, knowledge-based understating of the contemporary world that inspires educated professionals in Turkey and around the world.*" (*A.R. p. 179*). See also Stipulation of Facts ¶ 31. Likewise, Mr. Eickelman recognizes Mr. Gülen as "***a major Islamic teacher and educator***" who has promoted a "*secular, moderate interpretation of Islamic belief and practice.*" It notes that his "***strong commitment to education has inspired a network of primary and secondary schools and at least one university that provide comprehensive and rigorous training equal in scope to the best liberal arts tradition in the United States.***" [Emphasis added]. (*A.R. 1107 – 1127*). See also Stipulation of Facts ¶ 20.

Defendants also quote the article “The Fethullah Gülen Movement and Its Politics of Representation in Turkey” (*A.R. p. 488*), which states that the movement has “different strategies to pursue its interests and operates as a pressure group.” *Defs.’ Mem. Supp. Summ. J. 13*. Defendants use this article to assert that “plaintiff is the leader of a major, politically influential religious movement...however, plaintiff’s field is not one which Congress designated for visa preferences under Section 203(b)(1)(A).” *Id.* However, the fact that Mr. Gülen is an influential religious leader certainly does not change the fact that he is also a highly influential educator. Plaintiff has established through substantial evidence that he has extraordinary ability in the field of education in addition to, and complementary of, his work in religious tolerance. Defendants’ attempt to focus on two narrow comments about Plaintiff’s work and ignore the entire weight of the record containing substantial evidence from highly respected educators and government officials that Mr. Gülen is an extraordinary educator is arbitrary and capricious.

Mr. Gülen does not seek to be classified as a “teacher,” but instead seeks to establish that he has extraordinary ability in “education.” Plaintiff educates other teachers and educators who then apply his principles in the classroom. Congress has not defined “education” under 8 U.S.C. §1153(b)(1)(A). There is no basis to limit “education” to strictly “classroom teaching” as Defendants suggest. *Defs.’ Mem. Supp. Summ. J. 14* (stating “none of these letters [of support] establishes that plaintiff himself established any schools, or taught in any schools, or is even qualified to teach in any schools.”) Rather, Plaintiff has extraordinary ability in education because he has developed an educational methodology that is used in schools throughout the world.

Plaintiff's work places him in the field of "education" because his expertise focuses on "methods of teaching and learning." *Merriam-Webster Dictionary* 228-229 (New Ed. 2004). The American Heritage Dictionary also defines "education" as "the field of study that is concerned with the pedagogy of teaching and learning." *American Heritage Dictionary Online* (4<sup>th</sup> Ed. 2005). Encyclopedia Britannica describes education as a "discipline that is concerned, in this context, mainly with methods of teaching and learning in schools or school-like environments as opposed to various informal means of socialization." *Encyclopedia Britannica* p. 370, Vol. 4 (1987). Education is a broad term, encompassing not only classroom teaching, but also the underlying methodologies of teaching to improve the overall quality of education. Mr. Gülen's body of scholarly work focuses on developing an educational methodology: he is concerned primarily with methods of teaching and learning or the pedagogy of teaching. As described by Yasien Mohamed in his essay, the teachers at the Gülen Schools "share in the educational philosophy of their teacher, Fethullah Gülen...the Turkish teachers are science graduates and have attended a school in their country. New teachers adapt easily to the school as they share in the vision and mission of their leader, Fethullah Gülen." *Yasien Mohamed, "The Educational Theory of Fethullah Gülen and its Practice in South Africa," Muslim World in Transition: Contributions of the Gülen Movement* p. 562-563 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).<sup>2</sup> In short, Mr. Gülen is an educator to other educators.

Courts consistently have defined the field of "education" broadly. The Supreme Court has opined that education is "the primary vehicle for transmitting the values on

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<sup>2</sup> This essay is part of the International Conference Proceedings compiled and published in *Muslim World in Transition: Contributions of the Gülen Movement* that is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

which our society rests... [e]ducation provides the basic tools by which individuals might lead economically productive lives to the benefit of us all. In sum, education has a fundamental role in maintaining the fabric of our society.” *Plyler v. Doe*, 457 U.S. 202 (1982) (internal citations omitted.) *Plyler* reaffirmed the statement in *Brown v. Board of Education* that education “is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.” 347 U.S. 483, 493 (1954). Other courts have also defined education broadly, encompassing more than simply classroom teaching. “Educational training is not confined to colleges, universities or even the public schools, but consists, in the broadest sense, of acquiring information or inspirational suggestions which cause the individual to think and act along proper lines...[c]ertainly, the teaching of honesty, integrity, and truthfulness is the very highest objective of an education.” *Jones v. Better Business Bureau of Oklahoma City*, 123 F.2d 767, 769 (10<sup>th</sup> Cir. 1941). “The word [education] taken in its full sense, is a broad, comprehensive term, and may be particularly directed to either mental, moral or physical faculties, but in its broadest and best sense it embraces them all, and includes, not merely the instructions received at school, college, or university, but the whole course of training -- moral, intellectual and physical.” *Appeal of Gilden*, 406 Pa. 484, 492, 178 A.2d 562, 566 (1962).

Clearly, the field of education has been broadly defined by the courts. It encompasses more than classroom education and extends to entire courses of training. Plaintiff is an educator of the highest level who writes scholarly work on educational methodology and philosophy, which is used by other educators to establish schools and

educational curricula. Plaintiff's work helps educators develop a course of training used in educational institutions around the world. Defendants' attempt to limit "educators" to teachers or school administrators leaves out high-level educators who develop educational methodologies or entire fields of study, such as religious tolerance. Defendants' limiting definition of education is a misapplication of law.

Plaintiff has submitted substantial evidence to show his extraordinary ability in "education." Mr. Gülen inspired a movement now known as the Gülen Movement. *See* Stipulation of Facts ¶48. Mr. Gülen has also published over 40 books and nearly 100 articles. *See* Stipulation of Facts ¶51. His books are the foundations of his teachings, which are also the foundations for the hundreds of Gülen schools across the world. *See* Stipulation of Facts ¶48-49. This evidence establishes that Mr. Gülen has personally affected the development of hundreds of schools across three continents.

Mr. Gülen has submitted twenty-nine letters of support attesting to his work in the field of education. *See* Stipulation of Facts ¶14-42. These letters of reference are not simply from Plaintiff's personal acquaintances; they are from top government officials from the United States and abroad, as well as from renowned educators, all of whom attest to Plaintiff's commitment and contributions to education. For example, letters of support were written by the former Prime Minister of Turkey, the former U.S. Ambassador to Turkey, the Chief Advisor of the Former President of Turkey, the former Vice-Chairman of the U.S. National Intelligence Council, the former President of the Council of Higher Education of the Republic of Turkey, President and Appointee of the Vatican's Pontifical Biblical Commission, other high ranking U.S. government officials, multiple professors at renowned universities like Georgetown and Dartmouth, and other

religious leaders. *Id.* The high caliber of Plaintiff's referees demonstrates that he is one of a few at the top of the field of education. Defendants' implication that Plaintiff has simply "cloaked himself with academic status" and "commissioned academics and [paid] for conferences" about himself is at best an argument without merit. It is untenable that Plaintiff has commissioned such high profile referees to suggest that he is a leader in the field of education. In fact, his peers have attested that he is a leader in the field of education. Plaintiff has submitted substantial evidence that he is an educator and that he has made extraordinarily significant contributions to worldwide education.

Mr. Gülen has submitted evidence that entire conferences have been held on the subject of his scholarly work, including his work in the field of education. For instance, the *International Conference: Muslim World in Transition – Contributions of the Gülen Movement* was held in London, October 25 – 27, 2007. This conference was organized by the British government (*House of Lords*), the University of London, the University of Birmingham, the Irish School of Ecumenics, the London Middle East Institute, and Leeds Metropolitan University. (*A.R. pp. 351 – 352*). *See also* Stipulation of Facts ¶57. This three day conference focused entirely on Mr. Gülen's work in the field of religious tolerance and education.

The conference materials were submitted to USCIS, including the International Conference Proceedings. *See Muslim World in Transition: Contributions of the Gülen Movement (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007)*. These conference materials exemplify Mr. Gülen's extensive work in the field of education. Papers regarding Mr. Gülen's influence in the field of education, which were presented at the conference by international scholars and educators and compiled in this book,

included: “The Fethullah Gülen Movement as a Translational Phenomenon” (see section on “The Gülen Movement’s Transnational Educational Activities” pg. 46-58); “Social and Spiritual Capital of the Gülen Movement” (see section on “Education and Democratic Citizenship” pg. 187-197); “Modern Ideals and Muslim Identity: Harmony or Contradiction? A Text Linguistic Analysis of the Gülen Teaching and Movement” (see section on “Fethullah Gülen and Some Characteristics of his Teaching” pg. 246-265); “A Sunni Muslim Scholar’s Humanitarian and Religious Rejection of Violence against Civilians” (see “The Educational Approach to the Problem of Terrorism” pg. 315-333); “Phnom Penh’s Fethullah Gülen School as an Alternative to Prevalent Forms of Education for Cambodia’s Muslim Minority” (pg. 347-359); “The Contributions of Sebati International Education Institutes to Kyrgyzstan” (pg. 362-376); “Gülen’s Rethinking of Islamic Pattern and its Socio-Political Effects” (see section on “The Educational Project of the Movement” pg. 430-443); “Towards an Understanding of Gülen’s Methodology” (see section on “Education and Empire” pg. 503-509); “The Educational Theory of Fethullah Gülen and its Practice in South Africa” (pg. 552-570); “Turkmenistan’s New Challenges: Can Stability Co-Exist with Reform? A Study of Gülen Schools in Central Asia, 1997-2007” (pg. 572-583); “A Station above that of Angels: The Vision of Islamic Education within Pluralistic Societies in the Thought of Fethullah Gülen – A Study of Contrasts between Turkey and the UK” (pg. 585-596); “Building Civil Society in Ethno-Religiously Fractured Communities: the Case of the Gülen Movement in Turkey and Abroad” (see section on “Is the Gülen Education Model Applicable to the International Arena?” pg. 597-605); and “A Bridge to Inter-Religious Cooperation: the Gülen-Jesuit Educational Nexus” (pg. 622-631). All of these scholarly articles focus on the work of

Mr. Gülen in the field of education. These papers emphasize that Mr. Gülen’s work focuses on promoting secular education as a means of working towards interfaith dialogue and international peace. *See also* Muslim Citizens of the Globalized World (Chapter: “Gülen’s Educational Paradigm in Thought and Practice”), Turkish Islam and the Secular State (Chapter 3: “The Gülen Movement’s Islamic Ethic of Education” and Chapter 4: “Fethullah Gülen as an Educator”), Advocate of Dialogue (Chapter 8: “Educational Activities”), and M. Fethullah Gülen: Essays-Perspectives-Opinions (Chapters: “Gülen as an Educator and Religious Teacher and M. Fethullah Gülen and Education.”)<sup>3</sup>

Gülen’s commitment to education dates back to at least the 1980s when he attracted a wide number of people and capital to be used in educational activities. *Fabio Vicini, “Gülen’s Rethinking of Islamic Pattern and its Socio-Political Effects,” Muslim World in Transition: Contributions of the Gülen Movement p. 434-436 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).* As Vinici states, “[h]e began to stress in his discourses that schools concentrating on non-religious subjects could serve religious needs and that Turkey needed elite secular schools rather than mosques.” *Id.* According to Gülen, “education will permit to shape a new generation of people (the golden generation) which will be able to use scientific knowledge according to Islamic ethics and to lead society along the right path.” *Id.* *See also Ian Williams, “A Station above that of Angels: The Vision of Islamic Education within Pluralistic Societies in the Thought of Fethullah Gülen – A Study of Contrasts between Turkey and the UK,” Muslim*

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<sup>3</sup> These books were not photocopied and reproduced in the administrative record compiled by USCIS. However, these books were submitted in the original to USCIS and are part of the administrative record currently in the possession of the Philadelphia U.S. Attorney office. They are available for the Court’s review if needed.

*World in Transition: Contributions of the Gülen Movement* p. 586-589 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).<sup>4</sup> As Williams confirms,

*“this vision has lead Gülen and his followers from the 1980s to initiate an educational project of building institutions in different parts of the world. In Turkey, the Caucuses, Africa, Russia, and the Philippines amongst several socio-geographical contexts, hundreds of schools with seven universities have been founded serving diverse religious communities and those of no faith affiliation. These institutions resemble other schools in terms of curriculum and resources, IT and laboratory facilities, language teaching, and expertise are of a high standard, which result in creditable achievements by students. This is acknowledged by a range of observers and certainly in my fieldwork examination of such schools in Turkey, the USA and Africa.”* *Id.* at 588.<sup>5</sup>

Thus, Mr. Gülen has developed an educational methodology: he advances education through encouraging the opening of institutions that promote secular education as a means to promote peace and interfaith dialogue. Moreover, as Yasien Mohamed explains in his essay:

***“Gülen’s educational philosophy is comprehensive; it is concerned with both the cognitive and moral development of the child...The Gülen schools are secular, but they try to maintain a balance between the needs of the individual and society. They stress the building of character and cultivating universal moral values, and at the same time, they provide an excellent education in order to prepare learners to become useful citizens of society...the schools foster social virtues such as respect, cooperation and tolerance; preparing learners to integrate into a pluralist democratic society.”*** [Emphasis added.] Yasien Mohamed, “*The Educational Theory of Fethullah Gülen and its Practice in South Africa,*” *Muslim World in*

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<sup>4</sup> This essay is part of the International Conference Proceedings compiled and published in *Muslim World in Transition: Contributions of the Gülen Movement* that is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

<sup>5</sup> One such university based upon the Gülen Movement is Virginia International University. (*A.R.* p. 123). Located in Fairfax, Virginia, VIU is an independent academic establishment combining a liberal arts tradition with emphasis on career orientation. It offers graduate and undergraduate level programs in computer science, business, and management, as well as full and part-time certificates in a variety of professional and technical fields, including English as a second language (ESL). The student body comes from 55 different countries.

*Transition: Contributions of the Gülen Movement p. 553 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).*<sup>6</sup>

Mr. Gülen's educational philosophy has had a profound effect on worldwide education. Through his work, hundreds of schools have opened which focus on a well-rounded secular education for students.

Plaintiff has submitted substantial evidence that he has extraordinary ability in the field of education. Defendants have tried to focus the Court's attention on two pieces of evidence to show that Plaintiff "cloaks himself in academic status." However, Plaintiff has submitted substantial evidence that he is a leader in the field of education. He has published countless scholarly works in the field of education; his educational methodology is the basis for the establishment of schools around the world; his work is the basis of educational curricula at major universities; his work on education is the subject of major, international conferences; and others in the field have attested to his significant contributions to worldwide education. The weight of the evidence in the record establishes incontrovertibly that Plaintiff is, in fact, a person of extraordinary ability in the field of education.

II. THE RECORD ESTABLISHES THAT PLAINTIFF WILL CONTINUE TO WORK IN THE FIELD OF EDUCATION AND THAT HIS WORK IN EDUCATION SUBSTANTIALLY BENEFITS THE U.S.

*a. Plaintiff continues to work in the field of education*

Plaintiff has submitted evidence that he continues to work in the field of education under 8 U.S.C. §1153(b)(1)(A)(ii). Plaintiff submitted a personal affidavit in response to Defendants' Request for Evidence (RFE), in which he stated,

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<sup>6</sup> This essay is part of the International Conference Proceedings compiled and published in *Muslim World in Transition: Contributions of the Gülen Movement* that is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

*“Since arriving in the U.S., I have continued my scholarly endeavors related to interfaith dialogue and religious tolerance, specifically as they relate to improving relations between Muslim, Christian, and Jewish groups. My work has consisted largely of **authoring articles and providing guidance and advice to fellow scholars in the fields of theology, political science, Islamic studies, and education.** I also serve as a consultant to the organizers and sponsors of conferences that focus on my work and scholarly contributions to the field.”* [Emphasis added.] (A.R. p. 1053.)

Mr. Gülen has attested that he will continue to promote education through the authoring of scholarly articles and advising others in the field of education. The evidence shows that Mr. Gülen continues to work as an educator who gives guidance to other educators.

Defendants contend that this affidavit “does not constitute a detailed plan to work in the field of education.” (*Defs.’ Mem. Supp. Summ. J. 16.*) However, this affidavit, in conjunction with Mr. Gülen’s body of work, and the substantial number of letters in the record, evidence that he continues to teach other educators in the field and continues to have a major influence on the field of education.

Plaintiff has authored over 40 books and 100 articles. *See* Stipulation of Facts ¶51. It is through this scholarly work that he transmits his educational methodology to others, and he has attested that he will continue his work in this field. Plaintiff has established by “clear evidence” in the form of his affidavit and a continually growing body of scholarly work that he will continue to work in his field of expertise: promoting his educational methodology through his scholarly writings and serving as an advisor to other educators as a means for religious tolerance and international peace. *8 C.F.R. §204.5(h)(5).*

Plaintiff has submitted substantial evidence that he continues to work in the field of education through authoring scholarly works that are used in the field of education by

other scholars and educators. Plaintiff arrived in the U.S. in 1999. Since arriving in the U.S., he has continued to grow his body of scholarly work through publishing many works, including: Religious Education of the Child (The Light, Inc. 2006); Muslim Family Set: Learn While You Teach Your Children (The Light, Inc. 2006); Key Concepts in the Practice of Sufism 1 (The Light, Inc. 2004); Key Concepts in the Practice of Sufism 2 (The Light, Inc. 2004); Key Concepts in the Practice of Sufism: Emerald Hills of the Heart, Vol. 3 (The Light, Inc. 2008); M. Fethullah Gülen: Essays, Perspectives, Opinions, 1<sup>st</sup> Ed. (Fountain Books 2002); Toward a Global Civilization of Love and Tolerance (The Light, Inc. 2004); Advocate of Dialogue: Fethullah Gülen, compiled by Ali Unal and Alphonse Williams (Fountain Books 2000); The Messenger of God: Muhammad, Rev. Ed. (The Light, Inc. 2005); Selected Prayers of Prophet Muhammad: And Great Muslim Saints (The Light, Inc. 2006); Fundamentals of Rumi's Thought: A Mevlevi Sufi Perspective (The Light, Inc. 2005); Questions and Answers About Islam, Vol. 2, Rev. Ed. (The Light, Inc. 2005); A Tribute to the Prophet Muhammad: Celebrating the Blessed Birth (The Light, Inc. 2006); The Essentials of the Islamic Faith (The Light, Inc. 2005); The Resurrection and the Afterlife (The Light, Inc. 2006); The Statue of Our Souls: Revival in Islamic Thought and Activism (The Light, Inc. 2005); The Necessity of Interfaith Dialogue: A Muslim Perspective (The Light, Inc. 2004); and Islam and Democracy (The Light, Inc. 2004).<sup>7</sup>

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<sup>7</sup> Plaintiff currently is working on 5 new books that will be published and available in 2008. Plaintiff also is writing articles for Fountain Magazine, which is a quarterly magazine published in English and distributed in the U.S. In addition, the Rumi Forum, with the help of Mr. Gülen, will co-sponsor a conference that explores alternative perspectives of the Gülen Movement within the larger framework of Islam in the Age of Global Challenges. The conference will take place at Georgetown University on November 14-15, 2008. Please see attached affidavit and letter from the Rumi Forum.

Through Mr. Gülen's scholarly work, he continues to work in the field of education as required by 8 U.S.C. §1153(b)(1)(A)(ii). Mr. Gülen is the subject of conferences and university courses, he publishes material used in the field and he works in leading and critical roles in several organizations. Thus, Mr. Gülen continues to educate others through publishing scholarly work and consulting with others in the field.

*b. Plaintiff's work will substantially benefit the U.S.*

Mr. Gülen's work on education as a means to religious tolerance and peace will substantially benefit the U.S. 8 U.S.C. §1153(b)(1)(A)(iii). Defendants contend that Plaintiff has not "provided evidence that his continued work will substantially benefit the United States prospectively." *Defs.' Mem. Supp. Summ. J. 16*. This requirement is subsumed within the requirement to work in the field of extraordinary ability: "it is fair to assume that aliens who work in the area of their extraordinary (or exceptional) ability will substantially benefit the interests of the United States in some fashion and pass this test. Apparently the Service agrees [because] its regulations exact no documentation to this question." *Buletini v. INS*, 860 F.Supp. 1222, 1229 (EDMI 1994) (quoting 2 *Matthew Bender, Immigration Law & Procedure* §39.03[e] at 39-24, 39-25[Rev'd ed. 1993]). As the Court in *Buletini* determined, due to the lack of regulation, "8 U.S.C. §1153(b)(1)(A)(iii) is disregarded, the assumption being that persons of extraordinary ability working in their field of expertise will benefit the U.S." *Id.* As discussed, Mr. Gülen has submitted evidence that he will continue to work in his field of expertise under 8 U.S.C. §1153(b)(1)(A)(ii). Given that he will continue to work in the field of education as a means to religious tolerance, the assumption is that he will benefit the U.S. *See Buletini at 1229.*

In Mr. Gülen's case, however, there is far more than an assumption that his work will substantially benefit the U.S. Mr. Gülen's work focuses on promoting a well-rounded secular education as a means of promoting religious tolerance and international peace. His scholarly work and promotion of education has numerous positive implications for the U.S., which is currently in a war against terrorism. Mr. Gülen was the first Muslim scholar to publicly condemn the attacks of September 11, 2001 with an advertisement in the Washington Post. *Y Alp Aslandogan and Bekir Cinar, "A Sunni Muslim Scholar's Humanitarian and Religious Rejection of Violence Against Civilians," Muslim World in Transition: Contributions of the Gülen Movement p. 323 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).*<sup>8</sup> In his paper submitted to the *International Conference: Muslim World in Transition – Contributions of the Gülen Movement*, Steve Wright explains,

*"We are living in dangerous times. We can anticipate further polarization between Islam and the West as the official line becomes more focused on achieving military solutions to what are essentially political and cultural issues. Fethullah Gülen is unusual in adding a distinctly Islamic voice to the calls for a non-violent approach to conflict resolution...For him, terrorism is against the very fabric of Islam...**The Gülen Movement, from an outsider's perspective, can be considered to have an explicit ambition of eroding structural violence – for example through providing education and shelter to youngsters.**" [Emphasis added.] Steve Wright, "The Work of Fethullah Gülen & The Role of Non-Violence in a Time of Terror, *Muslim World in Transition: Contributions of the Gülen Movement p. 285-297 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).**

Through his work in encouraging the establishment of secular schools, Mr. Gülen works to provide a well-rounded education that will minimize the impact of radical Muslims and eliminate terrorism. In their essay submitted to the *International Conference:*

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<sup>8</sup> This essay is part of the International Conference Proceedings compiled and published in *Muslim World in Transition: Contributions of the Gülen Movement* that is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

*Muslim World in Transition – Contributions of the Gülen Movement*, Aslandogan and Cinar explain,

***“Recently, religion, and in particular the name of Islam have been juxtaposed with terrorist actions and individuals...For this reason, the underlying dynamics of Gülen’s approach are education, mutual understanding, respect, opportunity and hope...Many educational institutions (from nursery to university) have been established in Turkey and some 103 countries of the world by civil society organizations that have been inspired by Gülen. In addition to following the national curricula of their localities, these educational institutions actively foster interfaith and intercultural dialogue, mutual understanding and respect and social conflict...Students are not the only beneficiaries of these educational institutions. Increasingly transnational in their outlook, civil society organizations focusing on education serve as a bridge between the peoples of countries where they are and thereby can contribute to world peace. In many cases, the educational institutions have started a larger synergy and led to the formation of new trade and civic links among communities and nations.”*** [Emphasis added.] Y Alp Aslandogan and Bekir Cinar, “A Sunni Muslim Scholar’s Humanitarian and Religious Rejection of Violence Against Civilians,” *Muslim World in Transition: Contributions of the Gülen Movement* p. 315-333 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).

Moreover, the Gülen schools counteract the education given to Muslims in the madrasas by focusing on a secular education. As Yasien Mohamed stated,

***“Modern secular schools, Gülen holds, have been unable to free themselves of the prejudices and conventions of modern ideology, whereas the madrasas have shown little interest or capability to meet the challenges of technology and scientific thought. These madrasas lack the flexibility, vision, and ability to break with the past, to enact change, and to offer a relevant education for today. The challenge today is to integrate the strengths of the traditional education with the modern education. The youth must rise above the current education that diverts them from knowledge and reason. Gülen also encouraged greater accessibility and a higher standard of education for women.”*** [Emphasis added.] Yasien Mohamed, “The Educational Theory of Fethullah Gülen and its Practice in South Africa,” *Muslim World in Transition: Contributions of the Gülen Movement* p. 555 (Ihsan Yilmaz et. al. eds., Leeds Metropolitan University Press 2007).

Gülen himself has stated that education must be the means to end radical Islam. Of terrorism, he stated, “[i]t is our fault; it is the fault of the nation. It is the fault of education...the [educational] system must have some deficiencies, some weak points that need to be examined. These weak points need to be removed. In short, the raising of human beings was not given priority. In the meantime, some generations have been lost, destroyed, and wasted.” *“In True Islam, Terror Does Not Exist,” An Islamic Perspective: Terror and Suicide Attacks, pp. 5-7, (Ergun Capan Ed., The Light, Inc. 2006).*<sup>9</sup>

Thus, Mr. Gülen’s work in education as a means to fostering religious tolerance and international peace are of great importance to the United States. Mr. Gülen’s scholarly work on education as a means for promoting tolerance benefits the United States’ goal of combating terrorism.<sup>10</sup> Plaintiff’s benefit to the U.S. is evidenced by the fact that a U.S. Ambassador, the former Vice-Chair of the U.S. National Intelligence Council and other high ranking government officials have all extolled his virtues in letters sent to USCIS, all contained in the record. His body of scholarly work focuses on

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<sup>9</sup> This book is currently in the possession of the Philadelphia U.S. Attorney office and available to the Court if necessary.

<sup>10</sup> As mentioned in Plaintiff’s Motion for Summary Judgment, Plaintiff has been featured in several media outlets and presentations that evidence his continuing positive influence in the field of education and religious tolerance. In an article on May 4, 2008, the *New York Times* featured an article on the Pakistani schools modeled after Mr. Gülen’s educational methodologies. Sabrina Tavernise, *Turkish Schools Offer Pakistan a Gentler Vision of Islam*, N.Y. Times, May 4, 2008. The article stated, “The Turkish schools, which have expanded to seven cities in Pakistan since the first one opened a decade ago, cannot transform the country on their own. But they offer an alternative approach that could help reduce the influence of Islamic extremists. They prescribe a strong Western curriculum, with courses taught in English, from math and science to English literature and Shakespeare...The model is the brainchild of a Turkish Islamic scholar, Fethullah Gülen...The schools, which also operate in Christian countries like Russia, are not for Muslims alone, and one of their stated aims is to promote interfaith understanding.” *Id.* Moreover, the Honorable James A. Baker, former Secretary of State from 1989-2002 and Chief of Staff and the Secretary of the Treasury under President Reagan, recently gave a speech on Mr. Gülen’s work at the Gülen Institute’s Luncheon on May 20, 2008. In his speech, Mr. Baker stated, “problems of the world would be easy to address if, on the global level, we develop ways of sharing respect for each other’s religious perspectives. It is in this manner, that the Gülen Institute and those who promote shared vision of interfaith dialogue provide truly invaluable leadership.” The luncheon in Houston, Texas was attended by 250 representatives of government offices, media offices of U.S. Senators and Representatives, consuls general, business executives, representatives of academia, and community and faith leaders.

providing a well-rounded secular education for children, so that at a young age they understand cultural and religious differences and are instilled with religious tolerance. To this end, Mr. Gülen has established an educational methodology for religious tolerance used in many educational institutions around the world. Thus, Mr. Gülen's work in education will substantially benefit the United States. 8 *U.S.C.*

*§1153(b)(1)(A)(iii)*.

III. PLAINTIFF HAS MET THE CRITERIA UNDER 8 C.F.R. § 204.5(h)(3)

Defendants claim that Plaintiff has not met at least three of the regulatory criteria required under 8 C.F.R. § 204.5(h)(3). *Defs.' Mem. Supp. Summ. J. 19-20*. However, the record demonstrates that Mr. Gülen has submitted substantial evidence that he meets six of the regulatory criteria enumerated in 8 CFR §204.5(h)(3), as well as evidence of a major, internationally recognized award. Defendants have conceded that Plaintiff meets two of the ten regulatory criteria: 8 C.F.R. 204.5(h)(3)(iii)&(v). (*A.R. pp. 9-11*). Therefore, Mr. Gülen must only meet one more of the regulatory criteria outlined in §204.5(h)(3) to be classified as an alien of extraordinary ability in education if this Court finds that he is not the recipient of a major, internationally recognized award.

The record provides substantial evidence of Plaintiff's sustained national and international acclaim under 8 C.F.R. §204.5(h)(3)(i), (vi), (vii) and (viii). *See detailed analysis in Plaintiff's Motion for Summary Judgment*. Once it is established that the alien's evidence is sufficient to meet three of the criteria listed in 8 C.F.R. §204.5(h)(3), the alien must be deemed to have extraordinary ability. *Buletini v. INS, 860 F.Supp. 1222, 1234 (EDMI 1994)*. Mr. Gülen's evidence establishes that he has met 6 of the

criteria under 8 C.F.R. §204.5(h)(3). The quality and quantity of Plaintiff's evidence establishes that Mr. Gülen has extraordinary ability in the field of education.

Based on the foregoing, the Plaintiff submits that his Motion for Summary Judgment should be granted; and Defendants' Motion for Summary Judgment should be denied.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing **RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing along with electronic access to a true and correct copy of the same to the following attorney of record:

Mary Catherine Frye  
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s/H. Ronald Klasko  
H. Ronald Klasko, Esq.  
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Dated: June 18, 2008