

Middle East Studies Association of North America, Inc.

The University of Arizona • PO Box 210410 • Tucson AZ 85721-0410

27 January 1998

Ms. Judith Boyle, Associate Director
TOEFL
Educational Testing Service
Rosedale Road
Princeton, NJ 08541

Fax: 609/279-9146

Dear Ms. Boyle:

The Committee on Academic Freedom in the Middle East and North Africa of the Middle East Studies Association is writing to express its concern with the new policy that effectively prohibits students from Cuba, Iran, Iraq, Libya, and North Korea from taking the Test of English as a Foreign Language (TOEFL). We also note that this test is required for gaining admission to universities, not only in this country, but also in Canada and Hong Kong.

The Middle East Studies Association comprises 2700 academics worldwide who teach and conduct research on the Middle East and North Africa. The association publishes the respected *International Journal of Middle East Studies* and is committed to ensuring respect for principles of academic freedom and human rights throughout the region.

We understand that your office has defended this discriminatory policy on the basis of executive order #12959 and stated that this measure "is based on advice from outside counsel, in consultation with the United States Treasury." It is apparent to us that the executive order #12959 addresses primarily financial and business transactions with Iran, prohibiting "the importation into the United States of goods and services of Iranian origin," or "the reexportation to Iran of any goods or technology exported from the United States." The executive order contains no reference that might possibly suggest that it apply to students, or that the right to take the TOEFL could be construed as an exchange of "goods and services."

We have additional reason to believe that transactions of academic significance are not included in the trade relations prohibited by executive order #12959. In 1995 MESA wrote to Richard Newcomb, Director of the Office of Foreign Assets Control of the Department of the Treasury, to express concerns about the order. We urged that "economic exchanges necessary to legitimate academic pursuits not be constrained or prohibited" by the executive order. In his response Mr. Newcomb assured us that, "The sanctions imposed against Iran by the Order will continue to allow the free flow of ideas between the United States and Iran through travel, scholarly

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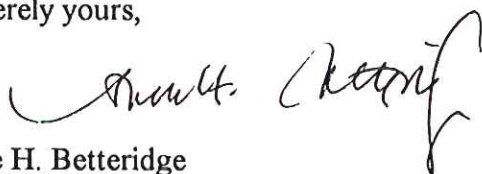
exchange, and dissemination of publications." Copies of our correspondence with Mr. Newcomb are featured in the enclosed copy of a page from the August 1995 MESA Newsletter.

As educators we believe that educational institutions should stand above the political fray and changing political considerations. It appears that your office initiated the inquiry about the applicability of the executive order to TOEFL and asked for the opinion of lawyers and bureaucrats. In the absence of your initiative, it seems highly unlikely that those governmental authorities overseeing compliance with this particular regulation would have ever knocked at your door for enforcement. They hardly bother to check on U.S. exporting companies that routinely ship American manufactured goods to Bahrain for an immediate "reexportation to Iran."

With a touch of irony we can imagine the sense of frustration in eighteen year old students whose desire for U.S. education is thwarted in Tehran, while they notice how well-stocked their stores are with American made appliances. It seems to us that, while the flood gates to trade and commerce are kept open, you are addressing an educational matter outside the intention of the policy makers. It is unfortunate that helpless students are made into the only clear evidence of compliance with a kind of executive order that is routinely ignored by more powerful actors.

Above all, we are concerned with the inherent unfairness of this practice and are alarmed by the implication of this discriminatory denial of academic freedom. We urge you to direct your personal attention to this matter. We respectfully request that you take immediate steps to reinstate equal access to this critical test to all international students without regard to their national origins. This would be compatible with national traditions of the United States and with your own international, educational mission.

Sincerely yours,



Anne H. Betteridge
Executive Director

cc: MESA Board of Directors
Reid Reading, Executive Director, Latin American Studies Association
John Campbell, Secretary-Treasurer, Association for Asian Studies
Kambiz Eslami, Director, Society for Iranian Studies
Nader Entessar, Center for Iranian Research and Analysis