

594 F.Supp. 502

aff'd in part and rev'd in part sub nom. H & R Employees
Union, Local 28 v. Atty Gen of U.S.

P. 2

O'Brien:

writing for the Court,
— where Chief Justice Warren said that "when 'speech' and 'nonspeech' elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms." Here, the Secretary of State has ~~shown~~ shown a sufficiently important governmental interest in conducting foreign policy to justify regulating the PIO as a "foreign mission" of the PIO, as ~~nonspeech regulation~~, in spite of any alleged incidental limitations on plaintiffs' First Amendment rights.

P. 6

Vance:

Furthermore, plaintiffs face a heavy burden in "when requested immediately persuading the Court to grant the requested injunctive relief. In this case, they have, in fact, failed." "When requested immediate injunctive relief deeply intrudes into the core concerns of the executive branch, a court is quite wrong in routinely applying... the traditional standards governing more orthodox 'stays.'" Adams v. Vance, 570 F.2d 950, 954 (D.C. Cir. 1977), quoting Sampson v. Murray, 415 U.S. 61, 83-84 (1974). The Adams court went on to add

(p.8) agency:

By plaintiff Rahman's own admission "the PLO has been registered with the Department of Justice as an agent of the [PLO]." Rahman Declaration ¶ 3 (emphasis added). Rahman himself is an agent of the PLO. Rahman Declaration ¶ 6.

Adams
Case

→ "The party seeking this kind of relief would have to make an extraordinarily strong showing to succeed." 570 F.2d at 955. As in Adams, plaintiffs here have not made such a showing.

(p.9)

the organization's exclusive reliance of funding from PLO in order to carry out its mission of ~~representing~~ representing the interests of the PLO and its exclusive representation of the PLO. Rahman Declaration ¶ 8; Exhibit 1 to Rahman Declaration.

Person

C. The Secretary's Decision to Close the PIO as a "Foreign Mission" of the PLO Does Not Violate the Due Process Clause

~~section~~

Plaintiffs have challenged the Foreign Missions Act

defining the term "foreign mission"
See, e.g., Cleveland Board of Education v. Loudermill, 470 U.S. 532, 541 (1985)

① Considerations of due process apply to government action that impairs an individual's life, liberty or property. ²¹ ~~49~~ The Secretary's order is directed at the PIO as a "foreign mission" of the PLO. ~~As such,~~ the PIO is required to divest itself of all real property through the Office of Foreign Missions pursuant to 22 U.S.C. §§ 4305(b)(3) and 4304(b). See "Determination and Designation of Benefits," Exhibit A to Complaint. Divestiture is not without remuneration. See 22 U.S.C. § 4305. Thus, the order that the PIO divest itself of its real property interests is not a "taking," implicating due process concerns. ← Follow →

insert

④

With respect to the alleged interference with plaintiff's ^{Rahman's} First Amendment rights, the order does not punish him for what he says or with whom he associates. The Secretary's order is only directed

Rahman, a naturalized U.S. citizen, does have standing to invoke such guarantees, at least with respect to himself.

²¹ Defendants cite to South Carolina v. Katzenbach, 383 U.S. 301, 323-24 (1966) for the proposition that a foreign political entity should have no more, if not less, standing than a state for purposes of invoking due process guarantees is compelling, but the individual plaintiff,

→ Follow →

at closing a foreign mission of the PLO. Further
more, ✓ Rahman's salary is paid for by the
League of Arab States. Rahman Declaration # 8.
The order does not prohibit the League of Arab
States from continuing to pay Rahman. ✓ ~~The~~
~~order~~ It is not at all clear, as we suggest, that Rahman will
lose his job as a result of the order. See his Memo at 36.

He is free to continue his advocacy efforts on behalf
of the PLO or whomever or whatever the League of Arab States
decides.

Insert

Plaintiffs claim to have been deprived
of at least three constitutionally protected
rights without any procedures at all.

② Plaintiffs' Memorandum at 35-37. These include
"an infringement of their liberty interest, enshrined
in the First Amendment, in political speech and
association," a "loss of property in the most literal
sense," and the loss of Rahman's job. Id. The
Court finds that the plaintiffs have not been
deprived of any these constitutional rights, and,
thus, they are not entitled to any ~~type~~
particular type of due process as a result
of the Secretary's order.

③ The most compelling due process argument
advanced by plaintiffs is that the Secretary's order
deprives them of their First Amendment rights in
speech and association. Notwithstanding the fact that
the PLO, lawfully adjudged to be a "foreign mission" of
the PLO, lacks standing as a foreign political entity
to assert a claim to due process guarantees, plaintiffs
are not precluded from speaking on behalf of the PLO,
disseminating information on behalf of the PLO, ~~receiving~~ ^{receiving}
or ~~sending~~ ^{receiving} information to or from the PLO, or associating
with others who share common interests in the PLO.

In fact, as the Court reads the Secretary's order, the PLO can continue to function as an advocate of the PLO and its causes; it may not operate as a "foreign mission" of the PLO as that term is defined in the Foreign Mission Act. ~~Test one concludes that this is a distinction without a difference.~~

The Court simply does not agree with plaintiffs that this situation is similar to that addressed by the Supreme Court in Perry v. Sindermann, 408 U.S. 593 (1972). The order directing that the PLO cease operating as a "foreign mission" of the PLO ~~does not rest on the premise~~ was clearly not ~~made~~ instituted for the purpose of ~~depriving~~ infringing constitutionally protected ~~out~~ upon anyone's ~~rights~~ First Amendment rights. Had any evidence been presented to that effect, the Court would have ~~little~~ ^{no} hesitancy in striking down the order.

plaintiffs' First Amendment rights

Plaintiffs' First Amendment rights are not infringed by the order. The order does not prevent the PLO from operating as an advocate of its causes. The order only prevents the PLO from operating as a "foreign mission" of the PLO. The order does not prevent the PLO from operating as an advocate of its causes. The order only prevents the PLO from operating as a "foreign mission" of the PLO. The order does not prevent the PLO from operating as an advocate of its causes. The order only prevents the PLO from operating as a "foreign mission" of the PLO.