

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PALESTINE INFORMATION OFFICE,
et al.,

Plaintiffs,

v.

GEORGE P. SHULTZ,
et al.,

Defendants.

C.A. No. 87-3085

ORDER

~~The Court has before its~~ ^{the Court is} plaintiffs' emergency motion for an injunction pending appeal' and the defendants' opposition thereto. ~~Fed. R. Civ. P. 62(c) provides that the court in its discretion may grant an injunction during the pendency of the appeal as is proper for the security of the rights of the adverse party. An application under Fed. R. Civ. P. 62(e) requires the applicant to show a likelihood of success on the merits of the appeal, that the applicant will suffer irreparable injury in the absence of an injunction, that no substantial harm will come to other parties, and that the injunction is in the public interest. See Cuomo v. United States Nuclear Regulatory Commission, 712 F.2d 972, 974 (D.C. Cir. 1985); WMATA v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); Virginia Petroleum Jobbers Association v. E.P.C., 259 F.2d 921, 925 (D.C. Cir. 1958); Wright & Miller, Federal Practice and Procedure: Civil § 2904. "It is the movant's obligation to justify the court's exercise of such an~~ ^{and upon consideration thereof and upon the understanding that it is ~~some~~ ^{temporary} ~~the~~ ^{the} ~~law~~ ^{burden} ~~imposes a~~ ^{upon} ~~the~~ ^{the} ~~adverse party.~~ ^{the} ~~An application under Fed. R. Civ. P. 62(e) requires the applicant to show a likelihood of success on the merits of the appeal, that the applicant will suffer irreparable injury in the absence of an injunction, that no substantial harm will come to other parties, and that the injunction is in the public interest. See Cuomo v. United States Nuclear Regulatory Commission, 712 F.2d 972, 974 (D.C. Cir. 1985); WMATA v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); Virginia Petroleum Jobbers Association v. E.P.C., 259 F.2d 921, 925 (D.C. Cir. 1958); Wright & Miller, Federal Practice and Procedure: Civil § 2904. "It is the movant's obligation to justify the court's exercise of such an~~ ^{advocate their views on the middle, east or vs Israel or whatever shall so long as they comply with all other US laws. However, as this is a decision made by the Sec of State, pursuant to the FMA, which gave him great latitude & discretion,}}

which cannot be denied that it should
not intervene except in the least intensive
way. To claim a first amendment violation is
easy, ~~on any~~ but it is a shield not
a sword as it is used here. Moreover,
as the Court said yesterday, our US Constitution is
not a suicide pact. ~~That is, in~~
~~essence, is what the Supreme Court~~
people would ~~lose~~ the ~~the~~ ~~the~~ ~~the~~
or such a great which it will not do.

the Secretary to interfere with plaintiff Kahman's First
Amendment, rights of speech and association. Because the
Court's decision does not impinge upon the First Amendment, the
Court is not convinced that plaintiffs have any chance of
succeeding on the merits of an appeal. Thus, under the
balancing test established in Gomo as between "injury" and
"success" for purposes of granting a stay, the Court finds that
plaintiffs' injury is minimal at best and that the chances of
success are similarly slim.
Accordingly, it is by the Court this ___ day of December,
1987,
ORDERED that plaintiffs' request for a stay of this Court's
judgment entered December 2, 1987, in the above-entitled action
be, and hereby is, denied.

CHARLES R. RICHNEY
UNITED STATES DISTRICT JUDGE