



RELEASE IN PART
B6

Steven M. Schneebaum



B6

July 6, 2011

Douglas Letter, Esq.
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United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: People's Mojahedin Organization of Iran: Petition for delisting

Dear Doug:

When we last spoke, I expressed concern to you about the length of time that the Department of State is taking to decide the PMOI's petition for delisting. Since nothing has happened in the interim, I want to be sure that our position on this issue is formally presented as part of the record.

As you are well aware, the statute gives the Secretary 180 days to rule on a delisting request. We first filed our petition on July 15, 2008, and the Department responded within the 180 days, on January 12, 2009.

The D.C. Circuit held that the procedures leading to the Secretary's disposition of the petition constituted a denial of due process, and remanded to the Department with instructions to consider the petition observing proper procedural safeguards. Shortly after the Court's mandate issued, the PMOI legal team proposed a schedule to your office, and we negotiated the terms and timetable for the submission of supplementary materials. We agreed that we would file a supplement to our petition before December 31, 2010. In fact we filed on December 29, which is 190 days ago as of the date of this writing.

Even if the December supplement were treated as constituting a new petition, more than the statutory 180 days have passed since it was filed. Obviously, far more than 180 days have elapsed from any earlier "start date" that might have triggered the time period. It is, I suppose, arguable that had the December submission been a new petition it would have been technically untimely, since two years had not passed since the decision on the earlier one, but even that analysis would extend the deadline at the very latest to 180 days from January 12, 2011, the date on which the PMOI was entitled to file a new petition. That 180-day period would expire on July 11, 2011, which is to say this coming Monday. We have difficulty thinking of any plausible rationale for extending the time for action beyond that date.

It is true, of course, that nothing in the statute specifically provides a deadline for decision after a judicial reversal. But it would be very odd indeed if the Department were permitted to disregard the statutory time limit as a result of its having made reversible errors the first time it considered the petition. That would, among other things, create a perverse incentive for the government to buy time or even to prolong

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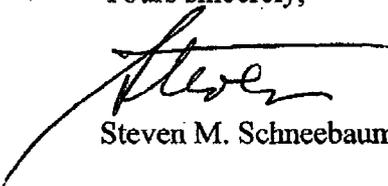
a designation indefinitely by producing incorrect or deficient dispositions of delisting petitions when they are first filed. Nothing in the Circuit Court's opinion suggests that the Court anticipated that the decision after remand would still be awaited in July 2011 – nearly a year after the remand.

We would appreciate your bringing the contents of this letter to the attention of your counterparts in the Department of State, reminding them that the decision on the PMOI's delisting petition is overdue on any view of the applicable time period. Just last month, the Iraqi Government denied a U.S. congressional delegation access to Camp Ashraf, expressly relying on the designation of the PMOI as a Foreign Terrorist Organization under U.S. law. This provides a clear, if unfortunate, illustration of the fact that the designation and the situation at Camp Ashraf are related.

The delay, in other words, is causing real consequences. That much of the material on which the Department may plan to rely comprises documents that were in its hands before 2009 only underscores the applicability to this situation of the maxim that "justice delayed is justice denied."

We appreciate your efforts to expedite resolution of the pending petition.

Yours sincerely,



Steven M. Schneebaum