

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**In re PEOPLE'S MOJAHEDIN )  
ORGANIZATION OF IRAN, Petitioner. ) No. 12-1118**

**RESPONSE TO PETITIONER'S EMERGENCY  
MOTION FOR EXPEDITED CONSIDERATION**

On February 27, 2012, petitioner People's Mojahedin Organization of Iran ("the PMOI") filed a petition for a writ of mandamus, asking this Court either to order the United States Secretary of State to revoke her designation of the PMOI as a Foreign Terrorist Organization ("FTO"), or to act within 30 days on the PMOI's pending request to the Secretary to revoke this designation. This Court has not at this point under FRAP 21(b) either denied this mandamus petition or ordered the Secretary to file a response to it. Nevertheless, on February 29, 2012, the PMOI filed a motion for expedition, asking this Court to direct the Secretary to file a response to the mandamus petition by March 19, 2012, and to hear oral argument on the petition as soon after April 16, 2012 as possible. The Government makes three points in response to the PMOI motion for expedition:

First, the Government takes no position with regard to whether or not consideration of the PMOI mandamus petition warrants expedition and should thereby be advanced over other cases already pending on this Court's docket.

Second, the Government believes that the mandamus petition should simply be denied by the Court, without the need for a response by the Government. A final determination regarding the PMOI request for revocation of its designation as an FTO requires a decision by the Secretary of State, taking into consideration highly classified information, expert analyses of the material in the administrative record, delicate foreign relations concerns, and complex national security determinations. This type of Executive Branch decision making is particularly unsuited for mandamus orders by the Judicial Branch.

Third, if the Court nevertheless believes that a response to the PMOI mandamus petition should be filed on behalf of the Secretary of State, the Government urges that its response brief be due for filing by March 26, 2012, rather than by March 19, 2012 – as the PMOI has proposed. A response by the Government in this matter would have to be closely coordinated at a high level with various different agencies and offices within the Executive Branch (including the Department of State, the Department of the Treasury, the Department of Justice, and other relevant agencies within the United States Intelligence Community). This task cannot

be properly accomplished before March 26, 2012.

Respectfully submitted,

/s/ Douglas N. Letter  
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March 1, 2012

### **CERTIFICATE OF SERVICE**

I hereby certify that I have on this 1st day of March 2012, filed with the Court, and served on all counsel, the foregoing Response to Petitioner's Emergency Motion for Expedited Consideration through the Court's ECF system.

/s/ Douglas Letter  
Douglas Letter  
Attorney