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001. memo	Quinn to the President; RE:PFLP Deportation Case (1 page)	11/15/1995	P5
002. memo	Cutler to the President; RE: Tony Lewis Article on PFLP (1 page)	08/25/1994	P5
003. memo	Holleman to Associate Attorney General; RE: PFLP Litigation (2 pages)	08/24/1994	P5 6027

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Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



U.S. Department of Justice

Civil Division

6027
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Deputy Assistant Attorney General

Washington, D.C. 20530

August 24, 1994

MEMORANDUM FOR THE ASSOCIATE ATTORNEY GENERAL

FROM: Frank S. Holleman *FSH*
Deputy Assistant Attorney General
Civil Division

SUBJECT: PFLP Litigation

You asked for a two-page memo summarizing the status of this litigation and the issues it presents. This memo is thus brief, and I will provide you with others that present the history of the case in more detail.

1. The PFLP. The PFLP is a violent, terrorist organization. Based in Damascus, it engaged in some of the most notorious terrorist acts of the last three decades, including airline hijacking and the murder of the U.S. ambassador to Lebanon. In recent years, it has killed Israeli and Palestinian civilians in Israel and the Occupied Territories; it withdrew from the PLO in opposition to the Israel-PLO peace negotiations and has pledged to undermine the peace initiative through violence; and it has claimed credit for killing two Israeli civilian hikers after the signing of the peace accords.

2. The Facts. The 8 PFLP members were arrested in 1987. Six are charged with routine immigration violations, such as overstaying visas. Two (Hamide and Shehadeh) are permanent residents and are charged with violations of anti-terrorism provisions of the 1990 Immigration Act. As to Hamide and Shehadeh, the government will not prove that they actually participated in terrorist activities in the U.S.; in other words, the government will not establish that Hamide or Shehadeh killed or bombed in the U.S. or committed some other criminal act.

However, documents taken from PFLP couriers in 1983 and 1984 will show that the PFLP has, since 1983, developed a secret cell structure in the United States to prepare for possible terrorist activity on orders from Damascus. Hamide and Shehadeh were leaders of the PFLP in Los Angeles between 1984 and 1987, and directed the PFLP's fundraising and publications distribution activity there during that time. The fundraising itself was predicated on PFLP military activity, not on alleged "lawful

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activities"; it included a 1986 event where the principal speaker read a list of names of prominent West Bank moderates that the PFLP would deal with. Two weeks later, the PFLP assassinated a West Bank mayor whose name had been on the list. The evidence will also show that Hamide was in regular telephone communication with other U.S. and international PFLP leaders.

There is additional significant information concerning their activities, but it is classified and will be provided separately.

3. The Litigation. There are two parts to the litigation. First, an Immigration Judge in Los Angeles is conducting deportation hearings. We are proceeding initially against Hamide and Shehadeh, under the anti-terrorism provisions. Because of the IJ's schedule, the proceedings are scheduled episodically and will probably not reach a conclusion for two more years.

At the same time, the PFLP members have sued in Los Angeles District Court to enjoin the deportation hearings, primarily on First Amendment grounds. Earlier this year the Court entered three orders, two adverse to the government. One preliminarily enjoins deportation proceedings against the 6 charged with routine violations on the basis that they may be able to establish selective enforcement due to discrimination against disfavored terrorist groups. The other preliminarily enjoins INS from using classified information to adjudicate legalization applications of two plaintiffs without providing them the classified information.

The Solicitor General authorized appeal of the two orders adverse to the government; that appeal is the subject of Anthony Lewis' recent article. As to the First Amendment issue, the government's brief makes two principal arguments. First, the government does not argue that aliens have no First Amendment rights in the United States. The brief does argue, however, that in the area of deportation, the United States has the constitutional authority to provide that aliens not use their presence in this country to raise money for terrorist organizations or otherwise provide them material support, and that the First Amendment does not override Congress' broad constitutional authority over immigration in this context. Second, the brief argues that the plaintiffs should not be able to state a selective enforcement claim, because the government may on foreign policy grounds exercise discretion to decide whether to deport supporters of particular terrorist organizations. We are defending the appeal by Hamide and Shehadeh because the district court refused to enjoin their deportation proceedings.

4. Conclusion. We will be providing you with copies of earlier memos to supplement this brief description of these cases. The relevant Ninth Circuit briefs are attached.

cc: Frank W. Hunger

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