

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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FREDERICK BOYLE,  
Plaintiff,

-against-

ROBERT W. WERNER, Director, Office of Foreign Assets Control of the United States Department of the Treasury, in his official capacity, JOHN W. SNOW, Secretary, United States Department of the Treasury, in his official capacity, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES DEPARTMENT OF THE TREASURY, and ALBERTO R. GONZALES, Attorney General, United States Department of Justice, in his official capacity,

Defendants.

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**Case No. 05 Civ. 4995 (LTS)**

**ECF CASE**

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**REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF PLAINTIFF'S  
CROSS-MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS OR, IN THE  
ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT, AND IN FURTHER  
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR, IN THE  
ALTERNATIVE, FOR SUMMARY JUDGMENT**

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## PRELIMINARY STATEMENT

Defendants' entire argument rests upon the fundamental misconception that the Executive's power to regulate travel to Iraq is unlimited and gives it license to violate the constitutional rights of American citizens. Defendants assert, for example, that plaintiff may be fined thousands of dollars by an administrative agency without first being afforded even the most rudimentary protections of due process. Defendants also seek to deprive this Court of meaningful review of whether plaintiff was sanctioned for exercising his constitutional right to speak out against the United States' military intervention in Iraq, rather than for allegedly traveling to that country. In addition, defendants claim the authority to impose a ban on travel that sweeps more broadly than Congress and the Constitution permit by prohibiting travel that does not result in any economic benefit to Iraq.

Defendants are mistaken. The U.S. Supreme Court addressed the government's claim for such unlimited power to deny due process and other substantive rights to individuals just last year and decidedly rejected it. *See Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). Indeed, even the "respect and consideration" properly accorded to the Executive in the areas of foreign policy and national security cannot erode the meaningful "role for all three branches when individual liberties are at stake." *Hamdi*, 542 U.S. at 536 (plurality op.); *see also Campbell v. United States Dep't of Justice*, 164 F.3d 20, 30 (D.C. Cir. 1998) ("[D]eference is not equivalent to acquiescence . . ."). By sanctioning plaintiff under the Iraqi Sanctions Regulations, 31 C.F.R. pt. 575, defendants have violated his rights to due process, to freedom of speech and travel, and to the other protections asserted in his complaint. For the reasons stated in plaintiff's opening brief, and for the additional reasons set forth below, defendants' motion to dismiss or, in the alternative, for summary judgment should be denied, and plaintiff's cross-motion for partial judgment on the pleadings or, in the alternative, for partial summary judgment, should be granted.

## ARGUMENT

### **I. The Iraqi Sanctions Regulations Violate Due Process.**

The Iraqi Sanctions Regulations (“the Regulations”) impose severe penalties without providing the meaningful procedural safeguards that the Due Process Clause requires. In 2003, the Office of Foreign Assets Control (“OFAC”) threatened plaintiff, Reverend Frederick Boyle (“Reverend Boyle”), with significant monetary penalties and exposure to criminal prosecution for allegedly traveling to Iraq in violation of the Regulations. But, the only process OFAC gave him before sanctioning him was the opportunity to submit a written response to the allegations to OFAC’s Civil Penalty Division. Reverend Boyle was, as a result, denied the basic protections that must be provided when the individual interests at stake are so significant, including adequate notice of the basis for the government’s allegations; a hearing; an opportunity to present and cross-examine witnesses; discovery; and an independent decisionmaker.

Defendants (Mem. at 15-18; Reply Mem. at 16-18) all but ignore the constitutionally mandated test for establishing what process is due before an individual may be deprived of his property or liberty, and instead appear to claim that, in an administrative setting, all that is *ever* required is an opportunity to provide a written submission. That argument is contrary to clearly established law. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court must balance the significance of the private interest at stake and the extent to which additional procedures would reduce the risk of an erroneous deprivation of that interest against the burden on the government in providing greater safeguards. *Id.* at 335. The Supreme Court recently applied the *Mathews* balancing test in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), to determine the process due to individuals accused of waging war against American troops in a foreign combat zone in the “war on terrorism.” 542 U.S. at 528-33 (plurality op.) (applying *Mathews* and concluding that even enemy combatant entitled to adequate notice of government’s allegations and fair opportunity to present his case and to rebut those allegations before neutral decisionmaker). Certainly, the *Mathews* test must be faithfully applied to determine the process due a Methodist minister who,

at worst, traveled to and returned from Iraq to promote a message of peace before any war had even started. And, once the *Mathews* analysis is conducted here, it becomes evident that the process afforded Reverend Boyle is insufficient.

*First*, the private interest at stake is very substantial. OFAC informed Reverend Boyle that he was subject to criminal sanctions of up to 12 years in prison and \$1 million in fines as well as civil penalties of up to \$275,000. Administrative Record (“A.R.”) 77; *see* 31 C.F.R. § 575.701. It then demanded that he provide a full written report of his alleged trip to Iraq, including “[a] detailed itemization of all travel-related transactions,” and warned him that his mere failure to respond could result in the imposition of a civil penalty. A.R. 78. Thus, Reverend Boyle not only faced a significant loss of property; he also risked exposure to criminal prosecution by responding to OFAC’s allegations.

Given the significant private interest at stake, OFAC’s regulations should have provided, for example, adequate notice of the facts relied upon as well as the sources of those facts (*i.e.*, the newspaper articles that ultimately formed the basis of OFAC’s decision); an opportunity to obtain discovery, including of OFAC’s viewpoint-based enforcement of its travel ban; an opportunity to present evidence and appear personally at a hearing; and an impartial decision-maker. Pl.’s Mem. at 5-9. The Supreme Court has held that the government must provide these protections before it can terminate an individual’s welfare benefits. *Goldberg v. Kelly*, 397 U.S. 254, 267-71 (1970). It must provide at least the same protections when it seeks to deprive an individual of his property, especially when it requires him to forego his Fifth Amendment privilege against self-incrimination to meaningfully defend himself.<sup>1</sup> Yet, OFAC provided none

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<sup>1</sup> Reverend Boyle separately maintains that OFAC violated his Fifth Amendment privilege against self-incrimination by forcing him to choose between defending himself against OFAC’s factual assertions and exposing himself to possible criminal prosecution. Pl.’s Mem. at 11-14. Defendants (Mem. at 25-28; Reply Mem. at 20-23) continue to misconstrue his argument. *First*, Reverend Boyle unquestionably has a Fifth Amendment privilege to assert in OFAC’s civil enforcement proceeding. *See, e.g., Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973). *Second*, Reverend Boyle is not contending that OFAC must necessarily defer its civil enforcement proceedings until there is no longer a possibility of criminal prosecution. Rather, he asserts a much narrower proposition: that there must be a meaningful attempt to accommodate his Fifth Amendment privilege. *See, e.g., United States v. Certain Real Property and Premises Known as: 4003-4005 5th Ave.*, 55 F.3d 78, 83 (2d Cir. 1995) (courts must “make special efforts to accommodate” both privilege against self-incrimination and government’s interest in proceeding with its enforcement action). Here, there was no such attempt, nor even a neutral decisionmaker, to consider Reverend

of these protections, and thus denied Reverend Boyle an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

Defendants seek to compare this case to cases denying a public benefit. *See Interboro Institute, Inc. v. Foley*, 985 F.2d 90 (2d Cir. 1993) (denial of government funds); *Basciano v. Herkimer*, 605 F.2d 605 (2d Cir. 1978) (eligibility for government benefits). But, as discussed above, the interests at stake here are far greater and involve the serious loss of property as well as exposure to criminal prosecution, and not merely the loss of an opportunity to obtain some discretionary government benefit. Defendants also mistakenly assert that no hearing is required here because “financial need is not a factor in determining an imposition of a civil penalty.” Reply Mem. at 17 n.8. But whether or not financial need is a factor when the government seeks to terminate a public *benefit* to which an individual has no underlying constitutional right, *compare Goldberg*, 397 U.S. at 264, *with Mathews*, 424 U.S. at 340-41, it is irrelevant when the government seeks to deprive an individual of property that he already possessed. *See, e.g., United States v. James Daniel Good Real Property*, 510 U.S. 43, 62 (1993) (hearing required before seizing house subject to forfeiture for use in commission of federal drug offense); *Phillips v. Comm’nr of Internal Revenue*, 283 U.S. 589, 598 (1931) (“complete hearing de novo” on alleged tax liability). It also bears repeating (Pl.’s Mem. at 7 n.2) that even in *Mathews*, a case involving continued eligibility for disability benefits, the Court did not require a pre-termination hearing only because other important protections were provided. 424 U.S. at 339 (“elaborate character of the administrative procedures”); *id.* at 344 (agency’s reliance on “routine, standard, and unbiased medical reports by physician specialists”); *id.* at 345-46 (recipient’s “full access to all the information relied upon [agency]”). None of those protections, however, is present here.

*Second*, additional safeguards would have significantly reduced the risk of an erroneous deprivation. *Mathews*, 424 U.S. at 335. Specifically, adequate notice and an opportunity for discovery would have provided Reverend Boyle with a meaningful opportunity to contest and/or

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Boyle’s request for a stay of OFAC’s administrative proceeding, as there was in the civil enforcement cases cited by defendants. That failure violates the Fifth Amendment.

explain OFAC's factual allegations, including those contained in the newspaper articles upon which OFAC ultimately relied but which it never disclosed to Reverend Boyle so that he could challenge their accuracy and reliability, including by showing that he was not within the legitimate scope of OFAC's travel restriction. *See infra* Point III. An oral hearing before a neutral decisionmaker would have provided Reverend Boyle with a meaningful opportunity to demonstrate why the proposed penalty should be reduced based upon mitigating factors. Indeed, the penalty was ultimately reduced by \$3,700 simply because Reverend Boyle submitted a response; it could have been reduced by over twice that amount had Reverend Boyle been provided a meaningful opportunity to present his side of the story in person to a neutral decisionmaker. Pl.'s Mem. at 10. Further, the absence of additional safeguards, such as the opportunity for discovery, prevented Reverend Boyle from obtaining the facts necessary to demonstrate that he was being impermissibly sanctioned for his outspoken opposition to U.S. military policy in Iraq, and not simply for his alleged travel to that country. Instead, OFAC prevented any discovery and then completely ignored this claim in imposing the penalty. A.R. 1-2. Now, OFAC seeks to shield its allegedly unconstitutional action from judicial scrutiny by arguing that the process was adequate.<sup>2</sup>

*Third*, providing additional safeguards would not undermine the government interests. Defendants argue (Reply Mem. at 17 n.8) that providing such safeguards would require the use of "scarce fiscal and administrative resources," but they provide no support whatsoever for this proposition. In fact, the Cuban Assets Control Regulations, 31 C.F.R. pt. 501, which restrict travel to Cuba, directly undermine that argument by demonstrating that it is well within OFAC's capability to provide far more extensive procedures to accommodate the weighty interests at

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<sup>2</sup> This case, therefore, is very different from the cases defendants cite (Mem. at 16-17; Reply Mem. at 18), in which the affected individuals received a robust administrative process that provided them with a fair opportunity to assert challenges and defenses. *See, e.g., Federal Deposit Ins. Corp. v. Mallen*, 486 U.S. 230, 247-48 (1988) (right to present oral argument before ALJ and right to oral hearing where required); *Silverman v. Commodity Futures Trading Comm'n*, 549 F.2d 28, 31, 33 (7th Cir. 1977) (petitioner given six-day evidentiary hearing before ALJ, opportunity to present and cross-examine witnesses, and all proposed exhibits and a list of all proposed witnesses before said hearing); *National Labor Relations Bd. v. Interboro Contractors, Inc.*, 432 F.2d 854, 857 (2d Cir. 1970) (opportunity to cross-examine witnesses at evidentiary hearing).

stake in the many enforcement actions brought under those regulations each year. Specifically, the Cuba regulations provide individuals the right not only to respond in writing but also to a public hearing before an Administrative Law Judge (“ALJ”). 31 C.F.R. §§ 501.711, 501.715, 501.721. The Cuba regulations also guarantee the right to present one’s case by oral or documentary evidence, 31 C.F.R. § 501.718; to conduct cross examination to ensure “full disclosure of the relevant facts,” *id.*; to mandatory pre-hearing disclosures, including of all information or documents that the opposing party may use to support its case, copies and a list of all documents and exhibits the opposing party intends to introduce at the hearing, and the names of all witnesses who will testify and a summary of their expected testimony, *id.* § 501.723; to obtain discovery, including by depositions upon oral examination and written questions, *id.* §§ 501.730, 501.731; to request that the ALJ issue subpoenas requiring witnesses’ attendance and testimony, *id.* § 501.728; to a written decision by the ALJ which includes “findings and conclusions, and the reasons or basis therefor, as to all material issues of fact, law, or discretion presented,” *id.* § 501.740(a)(2); and to seek an administrative appeal, *id.* § 501.741. In short, the Cuba regulations provide precisely the adequate process Reverend Boyle was denied.<sup>3</sup>

Finally, defendants seek to rely on *Karpova v. Snow*, \_\_\_ F. Supp. 2d \_\_\_, 2005 WL 2897389 (S.D.N.Y. Oct. 28, 2005), in which the court held that the Iraqi Sanctions Regulations did not violate due process. *Id.* at \*11. That decision of another district court, while persuasive authority, is not binding, and this Court remains free to reject it. *See, e.g., Simoiu v. United States Marshal’s Serv.*, 2005 WL 646099, at \*2 n.2 (S.D.N.Y. Mar. 18, 2005); *Aetna Cas. & Sur. Co. v. Home Ins. Co.*, 882 F. Supp. 1355, 1357 (S.D.N.Y. 1995). It should do so: certainly,

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<sup>3</sup> As Reverend Boyle has previously explained (Pl.’s Br. at 7-8), this case is altogether different than *Holy Land Found. for Relief and Dev. v. Ashcroft*, 333 F.3d 156 (D.C. Cir. 2003), and *Global Relief Found. Inc. v. O’Neill*, 207 F. Supp. 2d 779 (N.D. Ill. 2002), where OFAC sought to temporarily freeze the assets of organizations which were channeling funds to foreign terrorist groups. In those cases, the government had a legitimate interest in providing a summary process to prevent the ongoing transfer of assets to terrorists. *Global Relief Found.*, 207 F. Supp. 2d at 803-04; *see also Holy Land Found.*, 333 F.3d at 159-60. Further, the agency’s reliance on classified information in those cases would have been jeopardized by providing additional protections. *Holy Land Found.*, 333 F.3d at 164; *Global Relief Found.*, 207 F. Supp. 2d at 805. Here, however, there has never been any allegation of ongoing harm through future travel, use of classified information, or any other exigent circumstance to justify dispensing with more robust process that the Constitution requires, *James Daniel Good Real Property*, 510 U.S. at 53, and that OFAC provides under its Cuba regulations.

Reverend Boyle's due process claim is not "frivolous," *Karpova*, 2005 WL 2897389, at \*9, and the fact that the court in *Karpova* described it in those terms when the interests at stake are so significant and the process so meager appears to reflect Karpova's failure to properly flesh out her claim. Indeed, Judge McMahon did not have the opportunity in *Karpova* to consider several of the arguments discussed here, including that the regulations failed to provide an opportunity to develop an affirmative defense of viewpoint-based enforcement or that exposure to possible criminal prosecution increases the need for procedural protections. In short, this Court need not and should not rely on *Karpova* but should instead conclude that the Regulations violate due process for the reasons stated above, and previously.

**II. Plaintiff Has A Right To Discovery And To Present Evidence That Defendants Have Violated His Right To Travel And To Free Speech, And Questions Of Fact Regarding Defendants' Motive For Sanctioning Plaintiff Exist.**

As defendants acknowledge (Reply Mem. at 9-10), the government violates the Fifth Amendment when it restricts travel based upon an individual's expression of his viewpoint or beliefs. *See Regan v. Wald*, 468 U.S. 222, 240-41 (1984); *Aptheker v. Sec'y of State*, 378 U.S. 500, 514 (1964) (denial of passport to member of Communist party); *see also Kent v. Dulles*, 357 U.S. 116, 129-30 (1958).<sup>4</sup> Similarly, the government violates the right to free speech when it discriminates against a speaker based upon his viewpoint, *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995), or when it restricts symbolic speech or expressive conduct unless that restriction is, *inter alia*, unrelated to the suppression of free expression, *United States v. O'Brien*, 391 U.S. 367, 377 (1968).

The government has run afoul of each of these constitutional guarantees by sanctioning Reverend Boyle based upon or in retaliation for his opposition to U.S. military involvement in Iraq, rather than upon his alleged travel to that country. (Compl. ¶¶ 47-48, 58-60, 61, 63-64). Defendants (Reply Mem. at 2-5) argue that these claims should be dismissed because Reverend

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<sup>4</sup> Defendants (Reply Mem. at 10), however, maintain that the Iraqi Sanctions Regulations are neutral on their face as to political belief or association. But Reverend Boyle's claim that OFAC infringed his right to travel by sanctioning him based upon his opposition to U.S. military action in Iraq is an as-applied challenge (Compl. ¶ 60), and the facial validity of those regulations is irrelevant to its resolution.

Boyle has failed to produce sufficient evidence to sustain them. But defendants have it backwards. There is no evidence in the administrative record or the record on summary judgment to contradict Reverend Boyle's well-pled allegations that he was impermissibly sanctioned for that opposition. As the moving party, defendants bear the burden of producing admissible evidence of material facts. *See, e.g., Giannullo v. City of New York*, 322 F.3d 139, 140-41 (2d Cir. 2003); *Weinstock v. Columbia Univ.*, 224 F.3d 33, 41 (2d Cir. 2000) ("moving party bears the initial burden of establishing that there are no genuine issues of material fact"). Reverend Boyle, the non-movant, "is not required to rebut an insufficient showing." *Giannullo*, 322 F.3d at 141; *accord Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 158, 160 (1970) (summary judgment must be denied even if no opposing evidentiary matter is presented where movant fails to satisfy its initial burden). Here, however, defendants have produced *no* facts to respond to the allegations in Reverend Boyle's complaint. And the cases defendants cite (Reply Mem. at 3) required precisely what they failed to provide here: a properly supported summary judgment motion and a full opportunity for the plaintiff to have engaged in discovery. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256-57 (1986); *Allen v. St. Cabrini Nursing Home, Inc.*, 198 F. Supp. 2d 442, 445, 448 (S.D.N.Y. 2002).

In reviewing administrative proceedings, courts should allow for discovery where "it provides the only possibility for effective judicial review and . . . there have been no contemporaneous administrative findings (so that without discovery the administrative record is inadequate for review)." *Saratoga Dev. Corp. v. United States*, 21 F.3d 445, 458 (D.C. Cir. 1994) (citation omitted). No discovery has been conducted here because defendants moved to dismiss based upon the administrative record; and no discovery was conducted in the administrative process because OFAC's regulations precluded it. Thus, the administrative record on which defendants rely is inadequate for review, lacking, for example, any finding as to whether OFAC sanctioned Reverend Boyle for his opposition to the war, even though he specifically raised this claim in response to the prepenalty notice. A.R. 9-10, 15-16. The Court should deny defendants' motion to dismiss these claims and allow Reverend Boyle the

opportunity he has thus far been denied: to discover the facts necessary to prove that defendants sanctioned him for publicly opposing the war in Iraq, not for his alleged travel to that country, and to thereby allow for meaningful judicial scrutiny of those asserted constitutional violations.<sup>5</sup>

### **III. The Iraqi Sanctions Regulations Exceed Statutory And Constitutional Limits.**

The Iraqi Sanctions Regulations also impermissibly exceed statutory and constitutional limitations. As defendants essentially concede (Reply Mem. at 7), the travel ban contained in 31 C.F.R. § 575.207 prohibits U.S. persons from “engage[ing] in transactions relating to travel to Iraq,” *even if* those transactions do not result in any economic benefit to the Government of Iraq or an Iraqi national. This exceeds the scope of any statute authorizing sanctions against Iraq, in violation of the APA. 5 U.S.C. § 706(2)(C). To be sure, Congress granted the Executive power to restrict travel to Iraq as an *economic sanction* to prevent the flow of hard currency or other economic benefits to that country. But, as Reverend Boyle has previously demonstrated, Congress never gave the Executive unlimited power to restrict travel which does not confer any benefit on Iraq or Iraqi nationals. *See* Pl.’s Mem. at 14-22; *see also, e.g.*, H.R. Conf. Rep. No. 101-968, § 568A (1990) (intention of Iraq Sanctions Act of 1990 to punish Government of Iraq *financially* for invading Kuwait). Further, in amending the International Emergency Economic Powers Act (“IEEPA”) in 1994, Congress emphasized that “the President should not restrict travel or exchanges for informational, educational, religious, cultural, or humanitarian purposes.” Pub. L. No. 103-236, § 525, 108 Stat. 382, 474 (1994). At a minimum, the 1994 amendment to IEEPA reaffirms that there is no congressional authorization for section 575.207’s sweeping restriction on travel that does not result in an economic benefit to Iraq or its nationals.

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<sup>5</sup> Reverend Boyle has separately alleged that OFAC’s sanction violates the equal protection guarantee of the Fifth Amendment because he was treated differently than those who also allegedly traveled to Iraq but who did not oppose the war. (Compl. ¶¶ 70-71). This claim is distinct from Reverend Boyle’s viewpoint discrimination claims, *see supra*, and is analyzed under separate standards. *See Rosenberger*, 515 U.S. at 829 (placing claims of viewpoint discrimination squarely within ambit of First Amendment); *see also Church of the American Knights of the Ku Klux Klan v. Kerik*, 356 F.3d 197, 210 (2d Cir. 2004) (contrasting showing required on selective enforcement claim). Moreover, even without any discovery, Reverend Boyle has provided a newspaper article evidencing OFAC’s viewpoint-based enforcement of the Iraqi Sanctions Regulations, which the Court can -- and should -- consider on summary judgment. *Quinn v. Syracuse Model Neighborhood Corp.*, 613 F.2d 438, 445 (2d Cir. 1980) (production of newspaper accounts can satisfy burden on summary judgment).

Section 575.207 similarly violates Reverend Boyle's Fifth Amendment right to travel because it sweeps so broadly as to include travel that does not result in an economic benefit to Iraq or Iraqi nationals and, additionally, because it does not specifically exempt travel that does not result in any such benefit. Pl.'s Mem. at 25-26. Defendants, however, ignore the critical differences between this case and *Regan v. Wald*. Specifically, the restriction on travel to Cuba upheld in *Wald* was tied to preventing the flow of hard currency to that nation, and expressly permitted travel "which does not involve any economic benefit to Cuba" in order to meet that goal without infringing the constitutional right to travel. *Wald*, 468 U.S. at 229-30 (exception for "[f]ully sponsored or hosted travel"). By contrast, the Iraqi Sanctions Regulations encompass even transactions related to travel that do not confer a financial benefit on Iraq or Iraqi nationals, 31 C.F.R. § 575.207, and, moreover, fail to provide for "fully sponsored or hosted travel" that does not confer any such benefit. Thus, section 575.207 violates the right to travel because it broadly precludes *any* travel by an American citizen to Iraq and fails to provide for adequate alternative channels for the exercise of this constitutional right that are fully consistent with the government's legitimate interest in enforcing economic sanctions against that country.<sup>6</sup>

### CONCLUSION

For the foregoing reasons, defendants' motion to dismiss or, in the alternative, for summary judgment, should be denied, and plaintiff's cross-motion for partial judgment on the pleadings or, in the alternative, for partial summary judgment, should be granted.

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<sup>6</sup> As there are no material facts in dispute regarding the *scope* of OFAC's travel ban -- as opposed to its view-point-based application to Reverend Boyle, *see* Point II, *supra* -- plaintiff agrees with defendants that this Court may, in the present posture, decide his claims that the Iraqi Sanctions Regulations exceed statutory authority and violate the Fifth Amendment right to travel by sanctioning travel that does not result in a financial benefit to Iraq or Iraqi nationals and by failing to provide for an exception for fully sponsored or hosted travel. Alternatively, this matter should be remanded to OFAC for the agency to consider whether Reverend Boyle in fact falls within the legitimate scope of the travel restriction.

Respectfully submitted,

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