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Last Updated: 11/13/2023

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THE WHITE HOUSE

WASHINGTON

January 25, 1985

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PH

Dear Margie:

Thank you for your letter of December 21 concerning the situation of the Baha'is in Iran. As you know, we have made it one of our highest priorities in the human rights area to do what we can to be helpful on this issue. This is why the President emphasized their situation in his remarks on Human Rights Day this year, as well as in his Proclamation on Human Rights.

We have also worked closely with the Department of State on this issue and coordinated with them in regard to our most recent action, the Department's statement on December 19 concerning the newest reports of persecution against the Baha'is. State will also place considerable emphasis upon the Baha'i situation when they release their Annual Human Rights Reports early this year.

In regard to your suggestion that the President hold a brief meeting with one or more members of the National Spiritual Assembly of the Baha'is in the U.S., we agree in principle that this would be worthwhile. Needless to say, the President's schedule is very tight, so we cannot give a commitment at this time. I will have Steve Steiner work with you to see whether a meeting could be arranged.

I hope this is helpful to you. Warm regards.

Sincerely,

Robert C. McFarlane

Mrs. Marjorie H. Sonnenfeldt
Director, International
Government Affairs
Hill and Knowlton, Inc.
1201 Pennsylvania Ave., N.W.
Washington, D.C. 20004

NSC 8409388

National Security Council
The White House

1588

System #

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RECEIVED
15 JAN 7 6:19

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Bob Kimmitt	<u>2</u>	<input checked="" type="checkbox"/>	
John Poindexter	<u>3</u>	<input checked="" type="checkbox"/>	
Tom Shull			
Wilma Hall	<u>4</u>	<u>WR - cy pld</u>	
Bud McFarlane	<u>5</u>	<u>W</u>	<u>A</u>
Bob Kimmitt			
NSC Secretariat	<u>6</u>	<u>25 JAN 1995</u>	<u>D</u>
Situation Room			

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Meese Baker Deaver Other Wilma

COMMENTS Should be seen by: _____
(Date/Time)

02 JAN 7 6:19

NATIONAL SECURITY COUNCIL

ACTION

January 7, 1985

SIGNED

MEMORANDUM FOR ROBERT C. McFARLANE

FROM: STEVEN S. STEINER *Steve*

SUBJECT: Persecution of Baha'is in Iran

Margie Sonnenfeldt has written to you to thank you for the attention we have given the Baha'i issue and to ask whether the President could receive American Baha'i leaders some time this year (Tab II).

At Tab I is a proposed response to Margie emphasizing the priority we have given this issue and promising to explore whether a meeting could be arranged.

RECOMMENDATION

That you sign the letter at Tab I.

Approve ✓ Disapprove _____

Walt Raymond and Howard Teicher concur.

HT

Attachments

- Tab I Ltr to Sonnenfeldt
- Tab II Ltr fr Sonnenfeldt, Dec 21, 84, w/atchs

RCM HAS SEE

Marjorie H. Sonnenfeldt
Director, International
Government Affairs

Howard for action

December 21, 1984

DEC 24 1984

The Honorable
Robert C. McFarlane
Assistant to the President for
National Security Affairs
The White House
Washington, D. C. 20500

Dear Bud,

Thank you very much for your thoughtful letter in response to the current Reader's Digest article on the religious persecution of Iranian Baha'is. We appreciate your continuing interest and concern.

I'm well aware of the President's Human Rights Day remarks citing the Baha'is, as I was present with the American Baha'i leaders as a guest at the White House program. You might like to know that, within three days, the American Baha'is had learned, through their own network, that Iranian Baha'is had heard and were greatly encouraged by VOA broadcasts reporting on the program, as well as VOA interviews with the visiting Baha'i spokesmen.

The Baha'is are convinced that statements such as President Reagan's drawing attention to the repression in Iran not only cheer their co-religionists, but have a positive impact on the Iranian government itself. The challenge is to find new ways to express that support for the persecuted.

In that context, I would like to ask if it would be possible at some time during the coming year for President Reagan to schedule a brief meeting with one or more members of the National Spiritual Assembly of the Baha'is of the U.S. (the elected leaders of the American Baha'i community). The picture recording such a meeting would signal an important message.

I am enclosing a roster of NSA members. It may be worth noting that the Chairman, Judge James F. Nelson, was appointed to the bench by President Reagan when he was Governor of California.

If you feel that this approach might be feasible, we would be pleased to work out the necessary preliminaries.

Again, many thanks for your support, and all best wishes for the new year.

Sincerely,

Marjorie

Enclosures

TL



914-R0-9-7000

SENIOR STAFF EDITOR • *Frank Devine*

November 7, 1984

Dear Marjorie Sonnenfeldt:

I was pleased, indeed, to have your piece on the Baha'is in Iran for the December issue of The Digest, of which I was editor in charge. Enclosed an advance copy of the magazine. Let's hope the spotlight will provide some kind of protection for these poor people.

Sincerely,

Marjorie H. Sonnenfeldt
Hill and Knowlton, Inc.
1201 Pennsylvania Ave., N.W.
Washington, D.C. 20004

cc: J. Panitza

THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHÁ'IS OF THE UNITED STATES

The National Spiritual Assembly of the Baha'is of the United States is the administrative body for the Baha'is of this nation.

The Assembly has nine members. They are chosen by 171 delegates representing all the adult Baha'is of the continental U.S. There are more than 1,700 local Spiritual Assemblies in the 48 contiguous states. Alaska, Hawaii and Puerto Rico each has its own National Spiritual Assembly.

The Assembly directs, unifies and stimulates the activities of individuals and the local Spiritual Assemblies. It also participates with its counterparts in other countries in the election of the international governing body of the Faith, the Universal House of Justice, at conventions held in Haifa, Israel, every five years.

The headquarters of the National Assembly is located in the vicinity of the Baha'i House of Worship, Wilmette, Illinois, where the Assembly maintains an administrative staff, supervises a publishing trust, and publishes several periodicals including a quarterly magazine, *World Order*.

The Assembly has, over the years, supported the teaching of the Faith throughout the world. Baha'i communities have been established in more than 200 countries, territories and islands; Baha'is now live in over 100,000 localities around the world. The Baha'is of the United States have been the first to carry the Faith to many lands.

The Assembly has an official representative accredited with the United Nations Department of Public Information and is a member affiliate of the Baha'i International Community which has consultative status with the United Nations Economic and Social Council (ECOSOC) and the United Nations International Children's Fund (UNICEF). In addition, it has submitted comprehensive position papers to the U.N. on such topics as human rights and obligations, and the equality of men and women.

The Assembly established and directs the North American Baha'i Office for Human Rights (NABOHR). Among its functions is the dissemination of information to combat racism, and to develop action programs toward this end. Regional NABOHR conferences have been held in ten U.S. cities; national conferences in Washington, D.C. and Chicago. Each year Baha'is observe Race Unity Day on the first Sunday in June.

The Assembly directs the operations of five permanent schools—in California, Maine, Michigan, Colorado, and New Jersey; and supervises Baha'i studies at 45 other locations across the nation.

The Assembly also operates the Louis G. Gregory Baha'i Institute in South Carolina, which provides training for teachers and administrators of the Faith, primarily from the southern states. WLGI, an educationally licensed 50,000-watt Baha'i radio station, broadcasts from the same site.

Since the first school was founded in 1900, thousands of men and women have studied the Baha'i Faith at these institutions. Many of the students have established Baha'i communities in this country and overseas.

The Assembly, in all of its deliberations, endeavors to reach decisions through "loving and frank consultation." In all its efforts, it strives to remain free from outside pressure and influence. Clear directives for its actions are contained in the sacred writings of the Baha'i Faith.

PRINCIPAL TENETS OF THE BAHÁ'Í FAITH

The central teachings of the Baha'i Faith are based on the belief that religion is revealed by a succession of prophets inspired by one God. The pivotal social principle of the Faith is the oneness of mankind, implying:

- establishment of universal peace upheld by a world government;
- elimination of prejudice of all kinds;
- recognition of the equality of men and women;
- adoption of a universal auxiliary language;
- acceptance of the essential harmony of science and religion;
- implementation of universal compulsory education;
- application of spiritual solutions to economic problems.

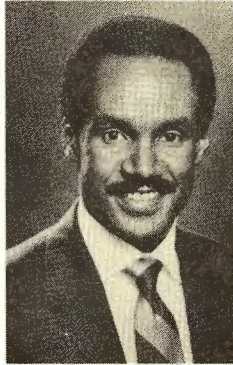
Members of the National Spiritual Assembly of the Baha'is of the United States



James F. Nelson is a Los Angeles Municipal Court judge and past presiding judge over the largest court system in the country. He is Chairman of the National Spiritual Assembly and has been a member since 1977.



Firuz Kazemzadeh, Vice Chairman of the National Spiritual Assembly, is Professor of History at Yale University. He graduated from Stanford (1946), received a Ph.D. from Harvard (1950) and began teaching at Yale in 1956. He is the author of books and articles, and editor of *World Order* magazine. Elected to the National Spiritual Assembly in 1963, he has served as its chairman, vice chairman, and secretary at various times.



Robert Henderson is Secretary and chief executive officer of the National Assembly. Before his election as Secretary, Dr. Henderson served as Managing Director and Vice President of Tarkenton and Company, a management consulting firm. Most recently, he was an executive officer and Vice President of Air Atlanta. He was elected to the National Assembly in 1982.



Dorothy W. Nelson is a judge on the United States Court of Appeals, Ninth Circuit. She was Dean of the University of Southern California Law School for 11 years until President Carter appointed her to the court in 1980. She was elected to the National Assembly in 1969 and has served as Treasurer since 1971.



Dwight W. Allen was elected to the National Assembly in 1966. For seven years he was Dean of the School of Education at the University of Massachusetts at Amherst. He is now Professor of Arts and Letters at Old Dominion University and Professor of Education at Norfolk State University.



Soo Fouts is a businesswoman. She and her husband own and operate two Jacksonville, Florida gift stores. She is a former director of Hamilton-Landis media brokerage in Washington, D.C. Born to Korean parents in Hawaii, in 1976 she became the first Asian-American to serve on the National Assembly.



Wilma M. Brady is Vice President for Development and Public Relations for Spelman College in Atlanta, Georgia. Before her election to the National Assembly in 1981, Dr. Brady chaired the local Spiritual Assembly of New York City and represented the National Assembly at the United Nations.



Chester Kahn was elected to the National Assembly in 1982. He is an artist and silversmith. Mr. Kahn, a Navajo, designed and helped construct the Native American Baha'i Institute. He also served as Chairman of the project committee for the Institute, which is on the Navajo reservation near his home in Houck, Arizona.



Alberta Deas, Director of the Louis G. Gregory Baha'i Institute in Hemingway, South Carolina, was elected to the National Assembly in 1983. She was coordinator of Competency-Based Teacher Education and Assistant Professor of Education at South Carolina State College for five years. She received her doctorate in education at the University of Massachusetts at Amherst.

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- adoption of a universal auxiliary language;
- acceptance of the essential harmony of science and religion;
- implementation of universal compulsory education;
- application of spiritual solutions to economic problems.

The Bahá'í Faith and its World Community

Introduction

The Bahá'í Faith is an independent world religion with adherents in virtually every country. The Bahá'í world community—often known as the Bahá'í International Community—is a cross-section of humanity, including almost all nationalities, classes, trades, professions, rich and poor, literate and illiterate. It comprises members of the Bahá'í Faith living in more than 100,000 localities in over 340 countries and territories—152 of these independent nations—and unites men and women of various religious and ethnic origins. More than 1,600 ethnic groups and tribes are represented.

Bahá'í Writings

The writings that guide the life of the Bahá'í International Community comprise numerous works by Bahá'u'lláh, the Prophet-Founder of the Bahá'í Faith, and interpretations by His son, 'Abdu'l-Bahá, and Bahá'u'lláh's great-grandson, Shoghi Effendi. Bahá'í literature can be read today in over 600 languages and dialects.

Bahá'í Teachings

The central teachings of the Bahá'í Faith are the oneness of God, the oneness of religion, and the oneness of mankind. The fundamental principle proclaimed by Bahá'u'lláh is:

- that religious truth is not absolute, but relative,
- that Divine Revelation is a continuous and progressive process,
- that all the great religions of the world are divine in origin,
- and that their missions represent successive stages in the spiritual evolution of human society.

Since the Bahá'í Faith teaches that the purpose of religion is the promotion of concord and unity, and that religion is the foremost agency for the achievement of peace and orderly progress in society, the Bahá'í Writings provide the outline of institutions necessary for the establishment of peace and world order—such as a world federation or commonwealth, with executive, legislative, and judiciary arms, an international auxiliary language, a world economy, a mechanism for world intercommunication, and a universal system of currency, weights, and measures.

Characteristics of the Bahá'í Community

Bahá'ís have, for over one hundred years, striven to bring about the unity of mankind, world peace, and world order. To achieve this goal while reflecting the basic purpose of human life—which for Bahá'ís is, in essence, to know and to worship God, and to carry forward an ever-advancing civilization—the Bahá'í world community has continually encouraged the fulfillment of certain essential requirements. A few of these are:

- 1) The fostering of good character and the development of spiritual qualities, such as honesty, trustworthiness, compassion, and justice. These are achieved through prayer, meditation, and work done in the spirit of service to humanity—all expressions, for Bahá'ís, of the worship of God.
- 2) The eradication of prejudices of race, creed, class, nationality, and sex. In pursuance of the Bahá'í principle of the organic oneness of humanity, Bahá'í communities have gained considerable experience in eliminating all forms of discrimination.
- 3) The systematic elimination of all forms of superstition hampering human progress, and the achievement of a balance between the material and spiritual aspects of life. Both tasks rest on an understanding of the principles of an unfettered search for truth, and of the harmony of science and religion as two facets of truth.
- 4) The development of the unique talents and abilities of every individual through the pursuit of knowledge and the acquisition of skills for the practice of a trade or profession. This creates not only personal satisfaction, but also the enrichment of society as a whole.
- 5) The full participation of both sexes in all aspects of community life, including the elective and administrative processes and decision-making. This stance fosters implementation of the Bahá'í principle of equal opportunities, rights, and privileges for men and women.
- 6) The fostering of the principle of universal compulsory education. Bahá'í communities are beginning to establish primary and secondary schools, open to people of all backgrounds, in places where educational facilities are not available, as well as adult education programs in basic literacy and community development. At present there are 133 Bahá'í schools and institutes.

Bahá'í Laws

Besides spiritual laws requiring daily prayer and an annual period of fasting, the Bahá'í Faith has social laws. It requires monogamy, for instance, and makes marriage conditional on the consent of both parties and their parents. Divorce is discouraged in the Bahá'í community, and Bahá'í law requires a year of trial separation, after which, if differences cannot be resolved, divorce is permissible. Bahá'í law also prohibits the use of alcoholic drinks and narcotics.

Non-Partisan Character

The Bahá'í Faith is not aligned with any government or political party. While they may accept non-partisan government posts and appointments, Bahá'ís may not be a member of any political party or the partisan of any political faction or ideology. Bahá'ís, both individually and collectively, are enjoined to obey the laws of their respective states and the authority of the legally constituted govern-

ments under which they live. Without regard for political affiliation, Bahá'ís may vote in general elections and participate in the ordinary civic life of their community. The institutions and programs of the Bahá'í Faith are supported exclusively by voluntary contributions from its own members.

Bahá'í Administrative Order

Free from any form of ecclesiasticism, having neither priesthood nor manmade ritual, and forbidding asceticism, monasticism, and mendicancy, the Bahá'í Faith lies on a pattern of local, national, and international administration, created by Bahá'u'lláh, elaborated by 'Abdu'l-Bahá, and implemented by Shoghi Effendi. Each locality, for instance, of nine or more adult Bahá'ís, elects each year a council—a Local Spiritual Assembly. At present, there are over 25,500 assemblies throughout the world.

National Spiritual Assemblies are also elected annually by previously elected delegates who come together in a national convention. There are over 130 National Spiritual Assemblies. Once every five years, at an international convention, these assemblies gather to elect the Universal House of Justice, the supreme institution of the Bahá'í Faith. All Bahá'í elections take place by secret ballot, with no nominations or electioneering.

Appointive institutions also exist in the Bahá'í International Community. Among them are the Hands of the Cause of God and the Continental Board of Counsellors, who are assisted in their work by Auxiliary Boards. Their functions are educative and center on teaching the Bahá'í Faith and protecting the community.

Houses of Worship

The central position of prayer and meditation in Bahá'í individual and community life places emphasis on houses of worship in villages, towns, and cities. At present, Houses of Worship exist in Wilmette, Illinois, U.S.A.; Frankfurt-am-Main, West Germany; Kampala, Uganda; Sydney, Australia; Panama City, Panama, and plans are under way for the construction of buildings in India and Samoa. Services of worship consist of the recitation of the scriptures of all religions and "a capella" music. Eventually, each locality will have its own place of worship, which will be enlarged and developed to serve as the seat around which the scientific, educational, humanitarian, and administrative institutions of the Bahá'í community revolve.

Relationship to the United Nations

The Bahá'í International Community is accredited in consultative status with the United Nations Economic and Social Council (ECOSOC) and with the United Nations Children's Fund (UNICEF). It is also affiliated with the United Nations Environment Program (UNEP) and with the U.N. Office of Public Information. It has representatives

with the United Nations in New York, Geneva, and Nairobi, as well as a special representative for the continent of Africa. The relationship of the Bahá'í International Community with the United Nations dates from 1948.

In its work with the United Nations, the Bahá'í International Community has participated in meetings of U.N. bodies concerned with issues of human rights, social development, the status of women, the environment, human settlements, world food, science and technology, population, the law of the sea, crime prevention, narcotic drugs, youth, children, the family, disarmament, and the United Nations University. It has furnished information, submitted statements, and published brochures on most of these subjects. It has taken part in United Nations years, in world conferences and congresses, and in regional conferences and seminars concerned with the socio-economic problems of our planet.

Bahá'í History

The Bahá'í Faith was founded in Persia (Iran) by Mirzá Husayn-'Alí (1817–1892), known as Bahá'u'lláh, the "Glory of God." The word "Bahá'í" derives from bahá ("glory" or "splendor") and means a follower of Bahá'u'lláh. The Bahá'í Faith is intimately linked with the Bábí Faith, founded in 1844 by Mirzá 'Alí-Muhammad (1819–1850), known as the Báb or "Gate." The Báb announced that He was not only the founder of an independent religion, but the herald of a new and far greater prophet or messenger of God, Who would usher in an age of peace for all mankind. In 1863, Bahá'u'lláh declared that He was the one prophesied by the Báb.

Bahá'u'lláh was exiled from Iran to various places within the Ottoman Empire, and in 1868 was sent as a prisoner to the fortress city of 'Akká in the Holy Land, in the vicinity of which He passed away in 1892. In His will, He appointed His eldest son, 'Abdu'l-Bahá (1844–1921), to succeed Him in leading the Bahá'í community and in interpreting the Bahá'í Writings. 'Abdu'l-Bahá in turn appointed His eldest grandson, Shoghi Effendi (1896–1957), as His successor, the Guardian of the Cause and authorized interpreter of the Bahá'í teachings. Today, the affairs of the Bahá'í world community are administered by the Universal House of Justice, the supreme elected council of the Bahá'í Faith.

Bahá'í World Center

The Bahá'í World Center is in the Holy Land. From the time of Bahá'u'lláh's exile to 'Akka, then part of the Ottoman Empire, that World Center has been established in the two cities of 'Akká and Haifa. The Bahá'í Holy Places in those two cities consist of the Shrines of the Founders of the Faith—the Báb and Bahá'u'lláh—and historic sites associated with Them. It was Bahá'u'lláh Who instructed that the World Center of His Faith should be in the neighborhood of these Shrines.

CONTACT: Marjorie Sonnenfeldt
Dave Narsavage
(202) 638-2800

FOR IMMEDIATE RELEASE

STATE DEPARTMENT CONDEMNS DEATHS OF NINE IRANIAN BAHA'IS

WASHINGTON, D.C., December 19, 1984 -- Dr. Firuz Kazemzadeh, the Vice Chairman of the American Baha'i community, has welcomed the strong statement issued today by the spokesman for the Department of State, in support of the religious freedom of Iranian Baha'is persecuted by the fundamentalist Islamic government of Iran.

Today's State Department announcement citing the deaths of nine more Baha'is imprisoned in Iranian jails follows President Reagan's expression of concern for the Iranian Baha'is in his Human Rights Day Proclamation and remarks at the White House December 10. Seven of the Baha'is are known to have been executed; two died in prison, probably after severe torture.

Dr. Kazemzadeh noted that at least 194 Iranian Baha'is are now known to have been killed by the Iranian regime because of their Baha'i beliefs. Thousands more are missing. Nineteen Baha'is among some 750 currently in Iranian prisons have been condemned to death.

"The executions in the last two months of distinguished members of Iran's Baha'i community demonstrates again the savage determination of the Islamic regime to annihilate that community," Dr. Kazemzadeh declared. "American Baha'is hope that strong protests by civilized countries will help save the lives of other Baha'is jailed on religious charges."

The following is the text of the statement issued by State Department Spokesman John Hughes at the Department's daily briefing today:

"According to recent reports, nine more Baha'is imprisoned by the Khomeini regime have died in Iranian prisons. Six were executed in Tehran on December 9. Three died in Tabriz in November (although word of their deaths has just now been received): one executed by hanging, two dead of unknown causes but likely victims of torture. We understand that 19 Baha'is remain under death sentence in Iran.

"It is particularly poignant that Iran's latest executions of Baha'is occurred on the very eve of Human Rights Day, which commemorates the adoption by the United Nations of the Universal Declaration of Human Rights. At this year's Human Rights Day commemoration, President Reagan declared that we who are free have a special responsibility to speak up for those who are not. Among the victims of persecution whom President Reagan cited on that solemn occasion were the Baha'is of Iran.

"We appeal to the Iranian authorities to abide by the spirit and the letter of the Universal Declaration, Article 18 of which affirms, 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in company with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.'"

-30-

Firuz Kazemzadeh till 6:00 p.m. (203) 787-0303
after 7:00 p.m. (203) 457-1487

RECEIVED 29 DEC 84 12

TO MCFARLANE

FROM SONNENFELDT, M

DOCDATE 21 DEC 84

KEYWORDS: HUMAN RIGHTS

VOA

MP

SUBJECT: THANK YOU LTR RE RELIGIOUS PERSECUTIO OF IRANIAN BAHA IS

ACTION: APPROPRIATE ACTION

DUE: 05 JAN 85 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

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DISPATCH *Jay bp*

W/ATTCH FILE (C)

HILL AND KNOWLTON

Marjorie H. Sonnenfeldt
Director, International
Government Affairs

4388 8979
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1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-638-2800
TWX: 710-822-0178

Steve Stein
Howard Tucker

295624
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January 29, 1985

7 Stein

Hon. Robert C. McFarlane
The White House
Washington, DC

Dear Bud,

Many thanks for your positive response to my request for the Baha'i leaders to meet with President Reagan.

I'm delighted that you "agree in principle," and will be happy to work out details with Steve Steiner, as you suggest. There's no rush for scheduling, as this promises to be a long-term problem.

We are often asked whether statements, resolutions and publicity really make a difference. As you know, the Baha'is are convinced that the Iranian government does respond, and in that context, the enclosed copy of an Iranian diatribe against the Baha'is is of particular interest. Considering that Iran has been hit with nothing much stronger than a few critical speeches and resolutions, the enclosed booklet (circulated last month by the Iranian delegate to the United Nations Human Rights Commission Seminar on Religious Intolerance) clearly indicates the Iranians' sensitivity to criticism from the outside world.

We hope the State Department Human Rights Report's references to Iran will be widely reported, and will do our best to help in that effort.

Many thanks again for you concern,

Sincerely,

Marjorie

The Washington Times

RELIGION

PAGE 4C

FRIDAY, JANUARY 25, 1985

Iran demands Baha'i 'confession'

By William F. Willoughby
THE WASHINGTON TIMES

- In a move against its beleaguered Baha'i religious minority of 300,000, the Islamic government of Iran is insisting that as a condition of their release Baha'i prisoners sign a statement admitting they are members of an espionage organization working for Israel.

In doing this, they would be admitting that they are guilty of a capital offense if any article relating to the Baha'i faith is found on their person or in their homes.

The text of the statement reads:

"I, the undersigned [details pertaining to personal status, including religion] undertake not to have in my possession any book, pamphlet, document, symbol or picture of the misguided, Zionist, espionage group of Baha'is.

"If any of the above mentioned articles belonging to this hated underground movement is found on my person or in my home, this will be tantamount to my being of those 'who war against God' and the attorney general would be free to decide against me in the manner he deems fit."

Dr. Firuz Kazemzadeh, vice chairman of the American Baha'i community, headquartered in Wilmette, Ill., said Baha'i prisoners are refusing to sign the statement, which they feel "misrepresents the Baha'i faith and leaves them open to having Baha'i materials that have been confiscated by Iranian authorities planted on their persons or in their homes as evidence that they are persons who 'war against God,' often a capital offense."

He said, "We consider this a serious violation of the Universal Declaration of Human Rights to which the government of Iran is a signatory."

In December, the Iranian government attempted to justify its refusal to abide by the terms of the rights declaration. The permanent representative of Iran to the United Nations, Said Rajaie-Khorassani, said, "The Universal Declaration of Human Rights, which represented secular understanding of the Judeo-Christian tradition, could not be implemented by Moslems . . ."

He said the declaration "does not accord with the system of values recognized by the Islamic Republic of Iran; my country would therefore not hesitate to violate its provisions,

since it had to choose between violating the divine law of the country and violating secular conventions."

There have been at least 194 known executions of Iranian Baha'is. More than 750 persons, including women and children, are held prisoner. Thousands have had to leave the country.

Many are subjected to torture to force confessions to false charges of espionage — the same charge to which Baha'i prisoners would be tacitly admitting should they sign the statement allowing their release.

Treatment of the Baha'is in Iran will come under scrutiny of Andres Aguilar of Venezuela, who on Oct. 19 was appointed special representative on Iran by Peter H. Kooijmans, chairman of the United Nations Commission on Human Rights.

Baha'is, who originated in Persia about 150 years ago, are considered to be worse than heretics by doctrinaire Moslems.

The Baha'i faith, an offspring of Islam, adheres to the teachings of its own prophet, who came on the scene about 1,200 years after Mohammed. Moslems believe Mohammed was the last, and the greatest, of the prophets.

IRAN RENOUNCES UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Islamic Republic of Iran is apparently renouncing the Universal Declaration of Human Rights -- the first nation ever to deny the validity of the Declaration in the 36 years since it was adopted.

In an official statement on December 7, 1984, Iran's Ambassador to the UN declared that the Universal Declaration "could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions." (Please note marked passage on reverse side.)

Iran's action must be considered an important new development. The full text of the Iranian statement follows:

(Excerpts from the official records of the United Nations General Assembly, 39th session, Third Committee, 65th meeting, held December 7, 1984 in New York.)

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90. Mr. RAJAYE-KHORASSANI (Islamic Republic of Iran), having cited surah 30, verse 41, of the Koran, said that his country was greatly concerned at the degrading manner in which many régimes treated innocent people and at the shocking news which was reported in the international press. While certain crimes drew the attention of international organizations, the latter remained deaf to other extremely distressing phenomena which were beyond their scope of action. As an example, he cited cases of indecent assaults on minors; in the Western countries, such crimes were reaching proportions that were utterly scandalous. His delegation wished that it were only possible to induce Member States to revive moral decency and spiritual health in their societies.

91. In his delegation's view, the concept of human rights was not limited to the Universal Declaration of Human Rights. Man was of divine origin and human dignity could not be reduced to a series of secular norms. Corruption of all kinds was widespread and must be fought. Although torture, the killing of innocent people and deprivation of freedom could not be tolerated, his delegation saw in those phenomena effects rather than causes. Only when the real causes were examined would it be possible to understand why certain concepts contained in the Universal Declaration of Human Rights needed to be revised.

92. Some delegations had shown sincere and honest concern at human-rights violations in the Islamic Republic of Iran. Others, through misinformation or ignorance, had levelled baseless allegations. He noted that none of the critics of his country had a "clean slate" in the annual reports of Amnesty International. Instead of engaging in polemics, he preferred to clarify the difference between the axiological doctrine of the Islamic Republic of Iran and the socio-political values upheld in the Universal Declaration of Human Rights.

93. Since the Islamic revolution, the Iranian people had been blessed with the honour of living under the banner of Islam. In that connection a distinction must be made between an Islamic State established by the Muslim people of the country in order to administer the affairs of the State according to Islam and to implement Islamic law, and an Islamic country of which the great majority of the population was Muslim but which had a régime similar in structure to Western or Eastern secular régimes. The Islamic revolution had removed the discrepancy which had existed between popular belief and behaviour and the political order of the country.

94. He believed that with the establishment of the Islamic régime, the prayers of the Iranians had been answered.

(Mr. Rajaie-Khorassani, Islamic
Republic of Iran)

95. The new political order was not simply a democracy, a theocracy, a socialist régime, an autocracy or anarchy, but a monarchy in full accordance and harmony with the deepest moral and religious convictions of the people and therefore most representative of the traditional, cultural, moral and religious beliefs of Iranian society. It recognized no authority or power but that of Almighty God and no legal tradition apart from Islamic law. As his delegation had already stated at the thirty-sixth session of the General Assembly, conventions, declarations and resolutions or decisions of international organizations, which were contrary to Islam, had no validity in the Islamic Republic of Iran. If secular States decided, for example, to produce a convention abolishing capital punishment, his country had no objection because it would not be bound at all by such a convention. The Universal Declaration of Human Rights, which represented secular understanding of the Judaeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions. That did not mean that the allegations made against Iran were true, or that there were no elements in the Universal Declaration of Human Rights that accorded with Islam. His country was convinced that that Declaration must be respected by all secular and non-Muslim States because the inhuman treatment and degrading practices often reported in El Salvador, Chile and South Africa could not be tolerated. Those who could not live up to the divine standards of Islam should at least meet the minimum requirements established by international organizations, if they did not wish to become centres of corruption, torture, injustice, oppression and tyranny. The Islamic Republic of Iran, which strongly condemned torture, believed that corporal punishment and the death penalty did not fall within the category of torture when carried out on the basis of Islam, in accordance with a sentence by an Islamic court.

96. He recalled that he had invited the personal representative of the Secretary-General to observe the situation of human rights in his country. The Commission on Human Rights, without any verification whatsoever, had passed judgement on the basis of claims by the terrorist who had killed many Iranian religious leaders.

97. Mr. Madar (Somalia) resumed the Chair.

98. Mr. FAJARDO-ALDONADO (Guatemala) said that his delegation was strongly opposed to draft resolution A/C.3/39/L.77, which was merely the product of the traditional arrogance of European colonial Powers. The European countries which sponsored it, ignoring the report of the Special Rapporteur of the Commission on Human Rights (A/39/635), interpreted the historical, political and social realities of Guatemala in their own way and officiously accused the Guatemalan Government.

99. He wondered why they only blamed Governments for the unfortunate incidents that occurred and made no mention of the violations committed by those who, in the name of their political interests, waged a campaign of terror and committed sabotage and murder. A clue might be found in the view expressed by the Deputy Minister for Foreign Affairs of a country which was one of the most ardent adversaries of Guatemala, in declaring publicly and arrogantly that he supported the armed struggle and terrorism in Guatemala as a means of achieving a political

RELIGIOUS PERSECUTION OF BAHAI'S IN IRAN

December 1984

The 350,000 Baha'is are Iran's largest religious minority, slightly less than one percent of the total population of Iran. Persecution is based upon theological differences: Islamic fundamentalists, who believe that there can be no revelation after Muhammed, regard the Baha'i faith (which was founded in mid-19th century Persia) as worse than a heresy. Baha'is who refuse to embrace Islam can be subject to the death penalty. Since the Islamic fundamentalists took over in 1979 —

- * More than 194 Baha'is, including women and teenage girls, have been executed. Many were elected leaders of the faith, which has no clergy.
- * Thousands have been jailed; at this time, Baha'is can identify more than 750 currently in prison. Torture is used more frequently: at first, the main purpose was to compel conversion to Islam, but recently, torture has been used primarily to extract false confessions of serious crimes, particularly spying. The regime has confiscated all records of the Baha'i community; since they have been unable to find any incriminating evidence, they are resorting to torture to produce false confessions.
- * All organized Baha'i activities were banned as "criminal" acts, by decree of the Revolutionary Prosecutor General, August 29, 1983. This established the "legal" foundation for mass arrests. (In response, the elected leaders of the Iranian Baha'i community, citing the Baha'i belief in obedience to civil law, disbanded all Baha'i organizations).
- * Tens of thousands have been dismissed from jobs because of their religious faith: e.g., all Baha'i faculty members dismissed from universities.
- * Thousands of Baha'is have been denied rightfully-earned pensions.
- * Court ruled that insurance companies do not have to pay claims to Baha'is.
- * Thousands of college and high-school students have been expelled from classes; even grade-school children expelled, ostracized or threatened at school.
- * Baha'is have been denied food ration cards.
- * All Baha'i community properties have been confiscated: bank accounts, membership records, libraries, files, meeting places, cemeteries, schools.
- * Holy places and shrines have been confiscated, some demolished: the most holy, the House of the B'ab in Shiraz, demolished and converted to a parking lot.
- * Cemeteries have been desecrated, and gravestones advertised for use as building materials (Tehran).
- * Most executions have been carried out in prisons, but there have been occasional lynchings and atrocities, e.g. one woman was killed immediately after giving birth to a child; the baby was taken by Moslem authorities.

CLEAR RELIGIOUS PERSECUTION: Regardless of the charges levelled against individual Baha'is, in virtually all known cases, those arrested and even those condemned to death have been offered freedom and restoration of all their properties if only they would recant and embrace Islam. Only a few individuals have recanted, despite severe pressure, including torture.

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NOTE: This booklet, titled "Some Facts About the 'Baha'is' in Iran," was distributed by the delegate of the Islamic Republic of Iran at the United Nations Human Rights Commission's seminar on Religious Intolerance, in Geneva, December 3-14, 1984.

The text clearly indicates the Iranian government's sensitivity to public protests against its religious persecution of Iranian Baha'is.

The American Baha'i community is convinced that it is essential to continue to speak out publicly in support of Iranian Baha'is -- and that the Iranian government is in fact inhibited in its actions against Baha'is by criticisms and pressures brought by other governments and by agencies of the United Nations.

-- Dr. Firuz Kazemzadeh
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SOME FACTS ABOUT

the "BAHA'IS"

in IRAN

Islamic Republic of Iran

Ministry of Foreign Affairs

In the Name of God

After the victory of the Iranian Islamic Revolution, extensive propaganda campaigns have been conducted by various societies and groups, opposing the Revolution, which often have undeniable affiliations to the world's satanic powers, in an effort to belittle the achievements and to exaggerate the natural, ordinary shortcomings resulting from the Revolution. One such propaganda which, through various means, is attempted to convince the world public opinion, is the allegation of ill treatment and possible cruelty on the part of the Islamic Republic of Iran towards minorities and religious and ideological groups, claiming that the Iranian Islamic Revolution is opposed to the followers of other religions and, relying on its power, is out to annihilate them. By resorting to all sorts of libellous accusations and spreading lies to give credence to such imaginary propaganda, they have long proceeded on a calculated all-encompassing attempt. A vivid example of such adverse propaganda exercise is the allegations and calumnies propagated in connection with the Bahai faction in Iran. It has been alleged, among other things, that the courts in the Islamic Republic of Iran convict and sometimes execute the followers of this faction on grounds of fabricated accusations and other seeming reasons, but in fact because of their religious beliefs.

In response to reject such an allegation, the following points may be briefly mentioned:

1. Under the Islamic sacred divine law, and in accordance with the Constitution of the Islamic Republic of Iran, including Point 29 thereof which forbids inquisition and prosecution of persons for holding a particular belief, the Islamic Republic of Iran does not convict or punish anyone for maintaining a particular ideology or religion. Hence, although Bahaism is not recognized as an official religion under the Constitution, its followers have never been prosecuted or punished for believing in it. Bahaism is basically not considered a crime under the law to render the Bahais prosecutable or punishable criminals.

2. Under the Criminal Code of the Islamic Republic of Iran, as is the case in many other countries, any activity against the national interests, conspiracy against the Islamic Republic of Iran and espionage for aliens are considered punishable crimes. In this context, if some persons are arrested and punished, this action shall have no relevance to their beliefs and shall be merely an effect of criminal acts on their part committed against the law and the country's interests. Should there be persons, among the convicted, who are related to the cult, such relationship or belief shall not have the slightest effect on their punishment, which fact is best supported by the documentary evidences existing in the relevant public prosecutors' offices and courts of law in Iran, including, among others, the records containing interrogations and the statements and confessions by the accused.

Anybody in any garb and with any ideology, irrespective of his beliefs and mental tendencies, who, under different pretexts and by various means, has a conspiratorial connection with aliens and is active against the Islamic Republic of Iran, shall be considered guilty under our laws, their guilt and measure of punishment

being discerned by the country's judicial authorities who shall decide about them according to the express provisions of the law.

3. Another charge directed at the Government of the Islamic Republic of Iran in this context is expulsion of Bahais from Government positions, which is set forth from time to time by some groups and by the persons related to the cult.

The fact is that, in the Islamic Republic of Iran, the officially-recognized religions, beside Islam, are Christianity, Jewry and Zoroastrianism. Bahaism has not been recognized as a religion by the Islamic Republic of Iran. For this reason, if the followers of this faith insist on and emphasize their religious beliefs while in the employ of Government agencies, their services in the Government establishments are rejected, and this is only in a case where they emphasize and insist on this fact; otherwise there is no inquisition conducted against them.

It should be elaborated that Bahaism has historically been a political faction forged by Eastern and Western colonialists. Under the Islamic sacred divine law, Bahaism negates and often is in direct conflict with many Islamic principles. For this reason, if a person insists on his Bahai faith, he is obviously denied the assumption of any responsibility or position in the Islamic Republic of Iran; while, if he does not insist on exposing his beliefs, this fact is effectively tolerated.

4. It is noteworthy to mention that some Bahai believers, whose public or counter-revolutionary crimes had even been proven beyond doubt at Islamic courts of law, have enjoyed the liberal Islamic mercy, being either totally

pardoned or sentenced to short prison terms. Only very few of the followers of the faith, who had committed severe crimes and whose crimes had been proven with sufficient proofs leaving no room for pardon, received heavier punishments provided under the law.

5. If following the belief were, by itself, considered a crime, as alleged by some people, then there would be no grounds for pardon or lighter punishment. The fact that the accused are tried, not because of their beliefs, but because of commitment of criminal acts, is, by itself, the best evidence and argument to reject such an allegation.
6. To try a person or persons merely because of their beliefs would obviously indicate the weakness and inability of the ideology governing the community and the revolution of the community; whereas we believe that the Islamic ideology is the most powerful one, such that it easily negated and drove off the Communist ideology in a few sessions of television debates. It goes without saying that the beliefs of a few hundred followers of the Bahai sect, which is devoid of any politico-ideological justification, is not considered a danger to us, and there is no need to subject such followers to inquisition or trial for believing in it.
7. If the mere following of the Bahai ideology were considered a punishable crime in the Islamic Republic of Iran, the thousands of such followers should have been punished by now. While it is alleged that there are tens of thousands of Bahais in Iran, the same protestors and tumult raisers talk about and protest the conviction and punishment of a few Bahais.
8. In conclusion, a brief mention is made of a few cases of some accused Bahais, who were found guilty in the courts

of law of reasons other than their beliefs and who were given lighter sentences for various reasons, in order to clarify the point that nobody is tried or punished for holding a particular belief in this country.

On 11.12.1359 (March 2, 1981) Messrs. (1) Enayatollah Ehsanian, son of Mohammad, (2) Ja'far Sha'arzadeh, son of Mostafa, (3) Sattar Khoshkhoo, son of Ali, (4) Enayatollah Mehdizadeh, son of Kheirollah, (5) Mohammad Reza Hesami (Fartoosh), son of Amir were called to the court for trial. The accused No. 1 was released against a commitment, because of insufficient evidence for his being a "muhareb" (God's enemy), an enemy of Islam or for his maltreatment of Moslems. Ja'far Sha'arzadeh, the accused No. 2, who was a member of the cult and a liaison between the Shiraz Group and the National Central Group and travelled to Israel and India propagating against Islam, was released against a commitment not to participate in activities against Islam and the country, because it was thought that his extreme poverty may have drawn him to such activities against a stipend from the trustees. The accused No. 3, who had transferred large amounts of foreign currency from the Iranian Moslems' treasury to Israel and the B.B.C. radio through the Persian Gulf countries, was found guilty, and there was not the slightest doubt in his connection with the Zionists and Israel. However, he was sentenced to only a two-year prison term and expulsion from the University.

The accused Nos. 4 and 5, who were found guilty of crimes similar to the other three, were also released, the only difference being that the accused No. 5, who had played an effective part in suppressing the clergy, in particular the persecution of the person called Hojatoleslam Fali during the previous regime, was only sentenced to restoring the plundered properties, to reimburse his debt of Rls. 240 thousand to Vehaj Co. and compulsory residence in Tehran for a period of 20 years.

As it can be noted, the crimes committed by the accused mentioned above, would be sufficient to call for their death sentences during any revolution. However they were mostly released or sentenced to short prison terms, restoring the plundered properties or a period of stay in Tehran or other cities, while there was no doubt in their being Bahais, particularly in the light of their express confessions. If Bahaism had been a crime in Iran, they would have all been heavily punished.

Religious Persecution?

After the victory of the Islamic Revolution in Iran, a wide range of propaganda campaign was launched by the groups and circles opposed to this revolution (most of which groups and circles have been proven to have undeniable links with Imperialism and Zionism in a bid to belittle the achievements of, and magnify the natural and normal shortcomings following the revolution. Amongst such poisonous propaganda (for which they resort to every channel to convince the world opinion of its credibility) is the allegation of maltreatment and potential oppression of Iranian religious minorities by the Government of the Islamic Republic of Iran. Thus, they give the impression that the Islamic Revolution in Iran is opposed to the followers of other religions, and is intent on annihilating them by use of force. A long time ago, they began a comprehensive and calculated campaign to masquerade these nonsensical fabrications as truly genuine by resorting to all sorts of false accusation and spreading of custom-made lies. Included amongst the living examples of such malignant propaganda efforts are the allegations and accusations that are spread in connection with the Bahai Sect in Iran. For instance, it has been alleged that the Courts of Justice of the Islamic Revolution in Iran pass death sentences for the followers of the said sect on invented charges: ostensibly for a variety of other reasons, but in reality because of their "religious" beliefs. In response to and rejection of this allegation, it is necessary to briefly consider the historical background of the Bahaism, and then examine the credibility of the aforementioned allegations.

Founders of Bahaism

In the midst of 1st World War, the British Empire being one of the most wicked colonizer of all times, spent her utmost effort to defeat the army of the Ottoman Empire in order to take over the Islamic countries especially Palestine. In doing so, certain elements of the inhabitants of those lands were widely used as collaborators by British Government in covert activities against the Ottoman Empire.

Among those mercenaries, one character who had a reputation for whole-hearted loyalty and servitude, for the British Empire, was highly successful to render great services for the British army. And because of this complicity, as soon as Jamal pasha, the Head of the Ottoman Army became aware of this treason, decided to hang him near the Carmel Mountains in Palestine. 1) Soon after, the release of this news to the British Cabinet, by the army office of the British intelligence, Lord Curzon and Lord Lamington started an intensive campaign for the release of their friend. Due to this effort, Lord Balfour, the British Foreign Minister, whose shameful role in the creation of the Zionist State is common knowledge, sent a

1) Ghurne Badee (God passes By) by Shoughli Rabbani (The Bahai Leader) Vol. 3 - page 291 and 298.

telegram to General Allenby, the Commander of the British Army in Palestine to do his utmost effort to save the life of that loyal servant.

General Allenby, in turn, ordered the Head of the British Army in Haifa, Palestine, to take every necessary step for the prevention of the execution of the Ottoman's Court order.

After the defeat of the Ottoman army and the conquest of Haifa by the occupier army of Britain, that spy's life was spared from the verdict of Jamal Pasha.

Later on, General Allenby sent a telegram and informed the officials in London of the success of their covert effort.

When the occupier army of British ruled all over Palestine, that character greeted them with large supplies of food and grains which he had secretly been storing. In that critical period of the history because of the war, there was widespread famine and extreme shortage of food, not only in Palestine but all over the Ottoman Empire. The daily death of poor and unfortunate hungry inhabitants of Palestine was a common fact of life.

In these circumstances, when the wheat produced on such a land and precious water belonging to the hunger stricken Palestinians was stolen and stored by this spy to feed an aggressive foreign army, naturally such services were greatly appreciated by the British Government, so that, he was not only given huge amounts of gold, but also was rewarded the high medalion of "knighthood" and the honorary title of "Sir". These awards were presented to this foreign agent by the British Government through General Allenby and in return, he sent a letter of appreciation and gratitude to the British Government, in which he, inter alia says:

"Oh Lord, the shadow of justice has prevailed in this Holy Land and we thank and praise you for this.

Oh Lord assist the King of England, the Great Emperor, George the Fifth, with the blessed grace and endure his shadow firm over this land" 1]

1] Ghurne Budee (God Passes By) by Shoughi Rabbani Vol. 3 - Page 299

His Majesty's Government were so impressed by the services rendered to them by this faithful servant, that at the time of his funeral, the Minister of British Colonies, Winston Churchill, sent a telegram to Haifa to offer the condolences of the British Kingdom to his "followers" and finally, Herbert Samuel and Ronald Stores, representing the British Government personally participated in the funeral ceremony.

This faithful servant of the British Empire, a man who interpreted the British army's aggression and the defeat of the Muslim soldier as the prevalence of the shadow of "justice" and was grateful to 'Lord' for the occurrence of such events and above all, was wishing the "endurance of Bri Empire" over the entire Islamic Land of Palestine, was nobody but Mr. Abb Afandi, the Son of the Founder of the Bahaiism, and a Bahai Leader himself

Religious or Colonial Missionaries

These bitter events and the appearances of such great servants of colonialism was not limited to one or two particular regions. At a time when, a new spirit of self consciousness and political awareness in the colonized countries was drawing the attention of the oppressed people towards the plunder of their economic resources and the destruction of their moral and cultural fibres by the Western Colonialist, suddenly a number of self-proclaimed "prophets" appeared one after another in many of these colonized countries. On one hand, they were forbidding their followers from getting involved in the political affairs of their countries and were the staunch advocate of submission and obedience to their Government, no matter how corrupt or colonized they were, and on the other hand, by introducing new sets of devious and foreign values in clear contradiction to the very tenet of people's fundamental belief, were able to create a war of tension and division among the colonized people and thus diverted the attention of the victims from the main issues of the day, that is the plunder of their natural and human resources, by the European colonizers.

It was not a mere coincidence that suddenly, Bahaiism in Iran, Ghundianism in Pakistan along with many other similar doctrines by one account totalling around twelve appeared all across the newly awakened Muslim countries.

The peculiar insistence by the colonizers to support and spread these doctrines is a good indication of their belief in the success of manipulating the cultures and religion of colonized Muslim societies, so it is not strange at all, to see the leaders of the Bahai group acknowledged themselves, as to how the Colonial Government of England officially expressed her wishes that the leaders of the group "spend a while in India". 1] It is not unusual then to read from the writings of the Leaders of this group, how anxious the Government of France was, to send their missionaries into her colonies, the Muslim African countries of Tunisia, Morocco and Algeria. 2]

1] and 2] Ghurne Badi (God Passes By) by Shoughi Rabbani (The Bahai Leader) - Vol. 2 - Page 125 and 126.

It is quite natural for Muslims to see why the center of International Islam, that is the occupier regime of Palestine, whose animosity and hostilities towards Muslims and Islam is an established fact, also is the fostering and cradle of Bahá'ism. The top leaders of Bahai group testify in their words that the racist, aggressive Zionist State of Israel is their most and most dependable base, when Mrs. Rohiye Maxwell, an American leader openly admits:

"I prefer that our religion, grows in the youngest country, Israel. We have attachments and dependence to this country, and in fact, one should say our future and that of Israel is joined together like rings of a chain".]

All these facts point to one direction only: The Bahá'ism is not a religion, rather it is a political entity created and nourished by anti-Islamic Colonial Powers.

Iran's non-interference in Political Affairs.

Considering the aforementioned background, it is no wonder that the Shah, the most trustworthy friend of the Zionists, and the most faithful agent of imperialism, appointed the Bahai's to the most sensitive and crucial posts of his brutal regime. Bahai leaders claim, hypocritically, that they do not interfere in Political Affairs, but at the time when the criminal Pahlavi regime was extending its fascism all across the country, denying the people of its most basic Human Rights, when even the mildest dissent was brutally repressed by torture and murder, Bahais formed the most powerful wing of the ruling regime, and never hesitated a moment to help it in its acts of oppression and oppression of freedom, liberty, human rights.

High positions, from the Prime Minister, to the Director General for Internal Security, in the infernal SAVAK, and from the key positions in the sensitive office of planning organization to the armed forces of the Shah, to his personal advisors, guards and even physician, were all occupied by the Bahais.

The Shah was so assured of their loyalties to him that among the tens of thousands of Iranian doctors, he chose Dr. Ayadi also a Bahai as his own private physician and the most trusted advisor, who beside this job also had more honorary positions in the Shah's army, he was also the man behind the pharmaceutical market.

Also, to name only a few, the Shah's brother-in-law, General Khattani, Commander of Iran National Airforce, General Sanjui, Minister of War, Amir Bahmani, the Shah's Minister of Agriculture for 13 years, Mrs. Parvizi, Minister of Education and General Nassiri, head of SAVAK (mark you, non-interference in politics) were all Bahai's holding key figures in controlling and maintaining the Shah's regime. Irrespective of all these undeniable facts, Bahai group have claimed in a report submitted to the Human Rights

Sub-Commission that according to their beliefs, they "Abstain from Partisan Politics". One might ask them to explain the role of Mr. Amir Abbas Hoveyda, also a Bahai who ran the political machine of the Zionist and U.S. supported Shah for 13 years, as Prime Minister, against the wishes and aspirations of the whole oppressed nation of Iran who were totally opposed to the criminal Shah. If this is not active politics, then what is it? It is quite amusing that in the same report the Bahai's have tried to portray all the Bahais as "gentle" and "peace-loving" and yet every Iranian knows that the Director General of SAVAK, the man behind the torture and murder of thousands of Iranian people was nobody but fugitive Parviz Sabeti, a wellknown Bahai, now living in Israel.

Undeniable, authentic documents captured by our revolutionary people from Savak Headquarters and centres throughout Iran and official confidential or secret papers and documents and hundreds of actual authoritative evidence prove, all the more, the fact that the collaboration of the Bahai circles with Zionism, has been and still is, a very systematic one.

The following are a few selected excerpts of the aforementioned documents. However, the original copy of all such documents are available in the Islamic Republic of Iran Mission and are at the disposal of any interested delegations in case a thorough examination of the documents would be desired.

1. Savak document No. 20-1454, August 1967 reveals that during the 1967 war of Zionist aggression, millions of dollars were collected by Bahai leadership in Iran, and sent directly to Israel in order to help Zionists in their aggression. That is why the late President Nasser of Egypt accused them of being "Israeli spies".

2. Savak document No. H-9864 October 19th, 1968, reveals that how high rank army officials who were purposely chosen among Bahais used to persecute Moslem officials.

3. Savak document No. H-6063 March 31st, 1971 shows clearly how the Zionist regime regarded the then then Prime Minister of Iran, Amir Abbas Hoveyda who was a prominent Bahai for his endeavours in helping the Zionist regime with cheap oil transactions. According to this document, the Zionist government granted Hoveyda a very large piece of land in Palestine as a sign of Gratitude for his most friendly policy.

It is very interesting that Savak writes in Mr. Hoveyda's file "he has such and such a land in Israel, etc..

4. Savak document No. 3 H-20299 November 20th, 1978 shows how Bahais were successful in sending millions of dollars to Israel and being appointed to the very important economic and political positions in Iran. One document reveals that normally all the financial support of the Zionist regime were furnished under the pretext of helping the Bahai shrine which is in Israel.

5. According to document SD No. 9 in these series, the Bahai leaders received secret information on the Iranian army, their weapons and strength, which were not used as religious recitation in Bahai circles, but were kindly dispatched to Israel (another non-interference in politics).

6. In Savak Document No. 117-321, one of the Bahai speakers asserts "In every Iranian Governmental office, specially military offices, we should have a spy in order to collect all necessary information".

There are but a very few of the documents selected amongst hundreds of others, which clearly and unequivocally show how a very sophisticated and systematic espionage network has been established by the Bahais in order to deliver all updated information directly to the Israeli authorities.

Considering the aforementioned facts, and in response to the propaganda accusing the Islamic Republic of Iran of the so-called "religious intolerance", the following points may be mentioned:

1. According to the sacred precepts of Islam, and the Constitution of the Islamic Republic of Iran, e.g., Article 29 of the Constitution which prohibits inspection of other people's beliefs and prosecution of individuals on the ground of their particular set of beliefs, the Government of the Islamic Republic of Iran never sentences or punishes any individual on the charge of holding a particular ideology or following a particular faith. Hence, although the Constitution does not recognise Bahaiism as a religion, and therefore Bahaiism lacks any official status in Iran, nevertheless, its followers have never been prosecuted, nor punished, merely and and simply because of their beliefs. And in principle, being a Bahai has not been considered an offense by the law, so that the Bahais may be charged with the offense and prosecuted and punished accordingly.

2. As in most other countries, the Criminal Law of the Islamic Republic of Iran regards any activity that is against the national security and any conspiracy against the Islamic Republic of Iran, and any involvement in espionage for foreign agents, as crimes and therefore liable to punishment. If, therefore, individuals are arrested and punished in this respect, their punishment will have no connection with their beliefs, and will be merely a consequence of their criminal acts in violation of the Law and against the interests of the country. If amongst such convicts there happen to be some individuals who are linked to the aforementioned sect, such linkage or belief will not alter the quality or quantity of their punishment at all. As the highest judicial authority in the Islamic Republic of Iran, Ayatollah Mousavi Ardebil stated in his letter to the Secretary-General of the United Nations, on 14th September 1981 (this letter has been circulated as U.N. document E/CN.4/Human Rights Subcommittee 2/415-E/CN.4/151/6): "The Courts of the Islamic Republic of Iran and the procedures which they apply are governed by Islamic standards and laws, as well as the Constitution and the country's official laws and regulations. Under those same laws, no one is to be molested, prosecuted or persecuted on account of his religious beliefs. Anyone who is brought to trial is to be judged by the lawful judicial bodies regardless of this faith and shall be entitled to all the facilities he needs for his defence, in no circumstances may he be denied those rights."

A most convincing witness to this claim is the documents and papers available at the relevant courts of justice in Iran, such as the interrogation documents, and the confessions made by the accused themselves.

Any person, in whatever profession, with whatever ideology and school of thought, regardless of his/her beliefs and intellectual tendencies, who is in any way or manner involved in conspiratorial connections with foreigners, or in activities against the system of the Islamic Republic of Iran, will be considered criminal by the law.

Determination of the quality of the crime and the extent of punishment is the responsibility of the judicial authorities in the country, who will make their decisions in accordance with the text of the law concerned.

3. It is worth mentioning here that a number of Bahais, whose general or counter-revolutionary crimes have been proven in Islamic Courts of Justice have been granted a share from the bountiful Islamic amnesty and forgiveness. Only a small number of the followers of this belief, who have committed serious crimes, all of which have been proven in the court with sufficient evidence, thus not leaving any room for amnesty, have been given heavier sentences.

4. If, as alleged by some individuals, the mere pursuit of the said belief were to constitute a crime in itself, no room, nor indeed any necessity, would have been left for amnesty or commutation of sentences. And the very fact that the accused are tried not because of their beliefs but owing to having committed criminal acts, provides the strongest testimony and evidence in refutation of such baseless allegations.

5. Trial of an individual or individuals due to their particular ideology or set of beliefs would be indicative of the weakness and inadequacy of the ideology prevailing that society and the revolution thereof; while it is a considered opinion that the Islamic ideology is the strongest of ideologies, and the beliefs of a few hundred followers of the Bahai's sect, which has no logical and politico-ideological justification, is not reckoned to be a danger to us; and therefore, there will be no need for inspection of their beliefs and putting on trial the followers of the said sect simply for holding such beliefs.

6. While it is claimed that tens of thousands of Bahais are presently living in Iran, if the mere pursuit of Bahai's ideology were to constitute a crime and accordingly punishable, in the Islamic Republic of Iran, thousands of the followers of the sect in question ought to have been punished by now whereas, these very clammers, protesters and controversializers raise the question of conviction and punishment of only a few Bahais and protest against it.

7. In conclusion, a brief account of the cases of some of the accused Bahais, who had been proved guilty in the Court of Justice, but not for their beliefs, and whose sentences were commuted for the reasons stated hereunder, will be presented below in order for the matter to be made crystal clear that not a single person in the Islamic Republic of Iran is tried and punished merely because of his/her particular ideology or set of principles.

On 11.12.1359 (Iranian Calendar) 2.3.1980 Messers:

1. Enayatollah Ehsanian (son of Mohamud);
2. Ja'far Sha'er-zadeh (son of Mostafa);
3. Sattar Khosh-Khu (son of Ali);
4. Enayatollah Mehdi-zadeh (son of Kheirollah);
5. Muhamad-Reza Hesami (Fartoosh) son of Amir) were summoned to the court for trial.

Regarding the accused in number one, above for lack of sufficient evidence to prove his involvement in campaigns against and hostility towards Islam, and in acts detrimental to the Muslims, he was released on parole.

Ja'far Sha'er-zadeh, who was a member of the department of statistics and a link between the Shiraz/circle and the central national circle, and who had been making trips to Israel and India spreading anti-Islamic propaganda, was released on parole on the grounds that he suffered from severe destitution and therefore, he had done all that for the remuneration he received from its board of trustees.

The accused in number three, above, who had sent large sums of money from the Iranian Muslims treasury to Israel and the BBC Radio and had been found guilty, and about whose links with the Zionists and Israel there is not the slightest shadow of doubt, was given a two-year prison sentence and dismissed from the university.

The accused in numbers four and five above, who had committed crimes, similar to those of numbers one, two and three above, were also released. Only the accused in number five, who had played an active part in the previous regime in crushing the clergy in general and persecution of a clergyman named Hojjatol-Islam Fali, in particular, was found guilty by the court, and was sent merely to the repayment of the embezzled property, as well as his debt of 240,000 Iranian Rials (approx. 160 Rials to the pound) to the Vahaj Company, and a 20-year compulsory stay in Tehran. He was thus released from jail.

As can be observed, these convicts, having committed crimes which would have provided sufficient grounds for heavy penalties during the time of any revolution, have nevertheless been set free or given short term prison sentences or sentenced to a repayment of the property plundered by themselves, or made to stay for a while in Tehran or in the provinces while there remains absolutely no doubt as to all these individuals being Bahais, particularly in the light of their forthright confession to this effect. And therefore, if mere belief in Baha'ism were to have been regarded as a punishable crime in Iran, all the abovementioned individuals would have been given equal and heavy sentences.

The representatives of Islamic Republic of Iran have so often explained these undeniable facts in Human Rights fora, but despite all these sincere efforts, the propagation and repetition of malicious lies and groundless accusations about the maltreatment of the followers of other religions or doctrines have been continued by some anti-Islamic entities. This has no interpretation, but a blatant misuse of the Human Rights fora for definite and wellknown political purposes, which if continued, may result in turning such fora into mere means of political pressure in the hands of those who do not favour independence and freedom of their former cultural and political colonies.

...

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TO MCFARLANE FROM SONNENFELDT, M DOCDATE 21 DEC 84
 STEINER 07 JAN 85
 MCFARLANE 25 JAN 85

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KEYWORDS: HUMAN RIGHTS VOA
 MP

SUBJECT: THANK YOU LTR RE RELIGIOUS PERSECUTION OF IRANIAN BAHAI IS

 ACTION: APPROPRIATE ACTION DUE 05 JAN 85 STATUS C FILES WH

FOR ACTION	FOR CONCURRENCE	FOR INFO
STEINER	MATLOCK RAYMOND	SESTANOVICH LENCZOWSKI
		GRIMES

COMMENTS LOGGED PER BUD

REF# LOG NSCIFID (DR LB)

 ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

 - *1/29* *Leid Sonnenfeldt* *Reply* -----

DISPATCH _____ W/ATTCH FILE _____ (C)

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

PY

January 31, 1985

MEMORANDUM FOR RONALD K. PETERSON
Assistant Director
for Legislative Reference
Office of Management and Budget

SUBJECT: Legislative Proposal: "Iranian Claims Act"

NSC staff has no objection to the State proposal, "Iranian Claims Act", as drafted.

Robert M. Kimmitt
Robert M. Kimmitt
Executive Secretary

NSC # 8500697

January 31, 1985

ACTION

MEMORANDUM FOR ROBERT M. KIMMITT

FROM: HOWARD R. TEICHER *HRT*

SUBJECT: Legislative Proposal: "Iranian Claims Act"

State's legislative proposal, the "Iranian Claims Act", which is identical to last year's proposal and introduced as H.R. 3241 and S. 1072 is attached at Tab A. NSC staff has no objection to the language as drafted.

WJH Chris Lehman, *MS* Ron Sable, *SA* Shirin Tahir-Kheli and Paul Thompson concur. *MA*

RECOMMENDATION

That you sign the memorandum of concurrence to Ron Peterson at Tab I.

Approve _____

Disapprove _____

Attachments

Tab I Memo to Peterson

Tab A Proposed legislative package



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

0697
SPECIAL

January 25, 1985

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-

Department of Justice - Perkins 633-2113 (17)
Department of the Treasury - Intrater 566-8523 (28)
National Security Council ✓
Federal Reserve Board
Department of Defense - Windus 697-1305 (6)

SUBJECT: State draft proposal, the "Iran Claims Act."
(Identical to last year's proposal, which was
introduced as H.R. 3241 and S. 1072).

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than TUESDAY, FEBRUARY 5, 1985.

Questions should be referred to Tracey Lawler/Sue Thau (395-7300) the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: J. Barie R. Rettman
A. Curtis R. Greene
J. Kent E. Strait

SPECIAL



DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Speaker:

I transmit herewith a bill to authorize various agencies of the Executive Branch to take certain actions in furtherance of the settlement of claims between United States nationals and the Government of Iran pursuant to the Algiers Accords of January 19, 1981. The proposed legislation would authorize the Foreign Claims Settlement Commission to adjudicate a number of such claims and would authorize the recovery from successful claimants of certain costs incurred by the United States Government in connection with the arbitration of other claims before the Iran-United States Claims Tribunal at The Hague. The bill would also authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses as fiscal agent of the United States in the implementation of the hostage release agreements. It would also allow the Secretary of State to maintain the confidentiality of Department of State records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal. The steps authorized by the proposed legislation will facilitate the claims settlement process contemplated by those agreements. This bill was originally introduced by request in the 97th Congress as H.R. 7374 and in the 98th Congress as H.R. 3241. Two hearings were held by the Subcommittee on International Economic Policy and Trade of the Foreign Affairs Committee.

Under the Algiers Accords which led to the release of the 52 American hostages in Tehran, the United States and Iran agreed among other things to refer certain claims of U.S. nationals against Iran to binding arbitration before a newly created arbitral body, the Iran-United States Claims Tribunal. Some of those claims had been pending in U.S. courts and had been the subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages had been released, the United States revoked the regulatory authority for those attachments and injunctions, thus rendering them null and void. Following an intensive review of the Accords by the Administration, litigation involving claims which might be presented to the Tribunal was suspended by Executive Order No. 12294, issued on February 24, 1981. That

The Honorable
Thomas P. O'Neill, Jr.,
Speaker,
House of Representatives.

action, and steps taken by the previous Administration in implementation of the hostage release agreements, were upheld by the United States Supreme Court in its decision in Dames & Moore v. Regan on July 2, 1981.

Under the Accords, the Iran-United States Claims Tribunal is charged with deciding the claims of U.S. nationals against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The Tribunal, whose members include three appointed by the United States, three by Iran, and three third-country arbitrators, has been established at The Hague in the Netherlands and is adjudicating the several thousand claims filed before it by the January 19, 1982 deadline. The Accords provide that the Tribunal shall decide all cases on the basis of respect for law, and that its decisions shall be final and binding. The Accords also provide that the Tribunal's awards shall be enforceable in the courts of any nation in accordance with its laws.

To help assure payment of awards of the Tribunal in favor of U.S. nationals, some of whom had been successful in obtaining attachments against Iranian assets and property in the United States, a Security Account was also established at a depository bank of the Netherlands. The Account was funded at an initial level of \$1 billion from certain Iranian assets and properties in the United States. Under the Accords, Iran has an obligation to replenish the Security Account whenever payments to successful U.S. claimants cause it to fall below \$500 million. To date, the Tribunal has awarded successful U.S. claimants principle and interest totalling \$318,110,930.30.

The Accords provide that the claims of U.S. nationals against Iran for less than \$250,000 each (the "small" claims) are to be presented to the Tribunal by the Government of the United States, while U.S. nationals with claims of \$250,000 or more represent themselves directly. Following an extensive registration program, the Department of State filed some 2795 "small" claims with the Tribunal on January 18, 1982. The adjudication of such a large number of "small" claims represents an enormous undertaking for the Tribunal which could delay the disposition of hundreds of "large" claims of U.S. nationals. The United States has proposed to Iran that the small claims be settled through negotiation of a en bloc settlement. If a satisfactory settlement can be negotiated, the "small" claims would then have to be individually adjudicated. The enclosed draft bill would authorize the Foreign Claims Settlement Commission to decide claims thus settled in accordance with the provisions and procedures of the International Claims Settlement Act of 1949, as amended, subject to the provisions of the relevant claims settlement agreement. This explicit authorization is necessary to

clarify the Commission's ability to adjudicate the claims under Title I of the International Claims Settlement Act. Payment of the Commission's awards would be made in accordance with the provisions of that Act, except that the Secretary of the Treasury would be authorized to make initial payments in the amount of up to \$10,000, as opposed to the lesser amounts currently provided by law.

Any claims of U.S. nationals, whether "large" or "small", which are not settled will be adjudicated by the Tribunal. Under the Claims Settlement Agreement, the operating expenses of the Tribunal are borne equally by the Governments of the United States and Iran. In addition, the Departments of State and Treasury, the Federal Reserve Bank of New York, and other agencies of the United States Government have incurred direct and indirect expenses in connection with the establishment and organization of the Tribunal.

In addition to United States contributions to the Tribunal, providing a forum for hearing and deciding the claims of United States nationals, the United States Government provides many valuable services to United States claimants, such as the service of documents and the presentation of positions and supporting legal arguments on major issues of common interest. The proposed legislation would require successful claimants to help bear the costs of these Government services to or on behalf of the claimants.

The bill would permit the Government to recover a portion of its expenses by authorizing the Federal Reserve Bank of New York to deduct an amount equal to two percent of any payment from the Security Account in satisfaction of an award of the Tribunal in favor of a U.S. national. The amounts thus deducted will be deposited into the miscellaneous receipts of the Treasury as reimbursement to the Government of the expenses it has incurred in connection with the operations of the Tribunal. The agencies incurring those expenses will not directly benefit from the deduction, but will continue to be responsible for justifying to the Congress appropriations necessary to pay their expenses. The reimbursement will be collected only from those U.S. claimants who avail themselves of the Tribunal, receive a favorable award, and are paid from the Security Account. Claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government. The bill also provides that once the deduction has been made, payments to U.S. claimants will be made directly without further delay or any additional deductions. Pursuant to a directive license issued by the Treasury Department on June 7, 1982 under the authority of the Independent Offices Appropriations Act, the Federal Reserve Bank of New York has been making deductions, and depositing the proceeds into miscellaneous receipts, from

amounts received to date in satisfaction of awards of the Tribunal. However, suit has been brought in the U.S. Court of Claims challenging the use of this general statutory authority. The bill would ratify this action retroactively, and thus will give Congress an independent opportunity to review and approve the amount and character of these deductions.

The bill also includes two technical sections intended (a) to preclude duplicate deductions from payments to claimants with "small" claims which are adjudicated by the Foreign Claims Settlement Commission and (b) to authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for expenses it has incurred as fiscal agent of the United States in implementation of the Algiers Accords.

Finally, the bill resolves a dilemma created by the requirements of the Freedom of Information Act. In order to obtain the most favorable resolution of both private and public U.S. claims before the Iran-United States Claims Tribunal, the Department of State needs to be able to collect information from U.S. claimants and share information with them. Such cooperation and coordination is impaired by the absence of specific legislation on public disclosure. The proposed legislation would provide appropriate rules for the records of the Department of State pertaining to arbitration of claims before the Tribunal.

The claims settlement process put in motion by the Algiers Accords represents one of the largest and most significant efforts of its type in recent U.S. or international practice. It includes the claims of thousands of U.S. nationals, involving billions of dollars in debts, contracts, investments, and other commercial relationships interrupted by the Islamic Revolution in Iran. The successful and expeditious resolution of those claims remains an important objective of the Administration's foreign policy. This bill would contribute significantly to these ends and I urge its early passage.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Robert F. Turner
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure



DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. President:

I transmit herewith a bill to authorize various agencies of the Executive Branch to take certain actions in furtherance of the settlement of claims between United States nationals and the Government of Iran pursuant to the Algiers Accords of January 19, 1981. The proposed legislation would authorize the Foreign Claims Settlement Commission to adjudicate a number of such claims and would authorize the recovery from successful claimants of certain costs incurred by the United States Government in connection with the arbitration of other claims before the Iran-United States Claims Tribunal at The Hague. The bill would also authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses as fiscal agent of the United States in the implementation of the hostage release agreements. It would also allow the Secretary of State to maintain the confidentiality of Department of State records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal. The steps authorized by the proposed legislation will facilitate the claims settlement process contemplated by those agreements. This bill was originally introduced by request in the 97th Congress as S. 2967 and in the 98th Congress as S. 1072 but no action was taken on it.

Under the Algiers Accords which led to the release of the 52 American hostages in Tehran, the United States and Iran agreed among other things to refer certain claims of U.S. nationals against Iran to binding arbitration before a newly created arbitral body, the Iran-United States Claims Tribunal. Some of those claims had been pending in U.S. courts and had been the subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages had been released, the United States revoked the regulatory authority for those attachments and injunctions, thus rendering them null and void. Following an intensive review of the Accords by the Administration, litigation involving claims which might be presented to the Tribunal was suspended by Executive Order No. 12294, issued on February 24, 1981. That

The Honorable
George Bush,
President of the Senate.

action, and steps taken by the previous Administration in implementation of the hostage release agreements, were upheld by the United States Supreme Court in its decision in Dames & Moore v. Regan on July 2, 1981.

Under the Accords, the Iran-United States Claims Tribunal is charged with deciding the claims of U.S. nationals against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The Tribunal, whose members include three appointed by the United States, three by Iran, and three third-country arbitrators, has been established at The Hague in the Netherlands and is adjudicating the several thousand claims filed before it by the January 19, 1982 deadline. The Accords provide that the Tribunal shall decide all cases on the basis of respect for law, and that its decisions shall be final and binding. The Accords also provide that the Tribunal's awards shall be enforceable in the courts of any nation in accordance with its laws.

To help assure payment of awards of the Tribunal in favor of U.S. nationals, some of whom had been successful in obtaining attachments against Iranian assets and property in the United States, a Security Account was also established at a depository bank of the Netherlands. The Account was funded at an initial level of \$1 billion from certain Iranian assets and properties in the United States. Under the Accords, Iran has an obligation to replenish the Security Account whenever payments to successful U.S. claimants cause it to fall below \$500 million. To date, the Tribunal has awarded successful U.S. claimants principle and interest totalling \$318,110,930.30.

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clarify the Commission's ability to adjudicate the claims under Title I of the International Claims Settlement Act. Payment of the Commission's awards would be made in accordance with the provisions of that Act, except that the Secretary of the Treasury would be authorized to make initial payments in the amount of up to \$10,000, as opposed to the lesser amounts currently provided by law.

Any claims of U.S. nationals, whether "large" or "small", which are not settled will be adjudicated by the Tribunal. Under the Claims Settlement Agreement, the operating expenses of the Tribunal are borne equally by the Governments of the United States and Iran. In addition, the Departments of State and Treasury, the Federal Reserve Bank of New York, and other agencies of the United States Government have incurred direct and indirect expenses in connection with the establishment and organization of the Tribunal.

In addition to United States contributions to the Tribunal, providing a forum for hearing and deciding the claims of United States nationals, the United States Government provides many valuable services to United States claimants, such as the service of documents and the presentation of positions and supporting legal arguments on major issues of common interest. The proposed legislation would require successful claimants to help bear the costs of these Government services to or on behalf of the claimants.

The bill would permit the Government to recover a portion of its expenses by authorizing the Federal Reserve Bank of New York to deduct an amount equal to two percent of any payment from the Security Account in satisfaction of an award of the Tribunal in favor of a U.S. national. The amounts thus deducted will be deposited into the miscellaneous receipts of the Treasury as reimbursement to the Government of the expenses it has incurred in connection with the operations of the Tribunal. The agencies incurring those expenses will not directly benefit from the deduction, but will continue to be responsible for justifying to the Congress appropriations necessary to pay their expenses. The reimbursement will be collected only from those U.S. claimants who avail themselves of the Tribunal, receive a favorable award, and are paid from the Security Account. Claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government. The bill also provides that once the deduction has been made, payments to U.S. claimants will be made directly without further delay or any additional deductions. Pursuant to a directive license issued by the Treasury Department on June 7, 1982 under the authority of the Independent Offices Appropriations Act, the Federal Reserve Bank of New York has been making deductions, and depositing the proceeds into miscellaneous receipts, from

amounts received to date in satisfaction of awards of the Tribunal. However, suit has been brought in the U.S. Court of Claims challenging the use of this general statutory authority. The bill would ratify this action retroactively, and thus will give Congress an independent opportunity to review and approve the amount and character of these deductions.

The bill also includes two technical sections intended (a) to preclude duplicate deductions from payments to claimants with "small" claims which are adjudicated by the Foreign Claims Settlement Commission and (b) to authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for expenses it has incurred as fiscal agent of the United States in implementation of the Algiers Accords.

Finally, the bill resolves a dilemma created by the requirements of the Freedom of Information Act. In order to obtain the most favorable resolution of both private and public U.S. claims before the Iran-United States Claims Tribunal, the Department of State needs to be able to collect information from U.S. claimants and share information with them. Such cooperation and coordination is impaired by the absence of specific legislation on public disclosure. The proposed legislation would provide appropriate rules for the records of the Department of State pertaining to arbitration of claims before the Tribunal.

The claims settlement process put in motion by the Algiers Accords represents one of the largest and most significant efforts of its type in recent U.S. or international practice. It includes the claims of thousands of U.S. nationals, involving billions of dollars in debts, contracts, investments, and other commercial relationships interrupted by the Islamic Revolution in Iran. The successful and expeditious resolution of those claims remains an important objective of the Administration's foreign policy. This bill would contribute significantly to these ends and I urge its early passage.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Robert F. Turner
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure



A BILL

To facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes.

1 Be it enacted by the Senate and House of
2 Representatives of the United States of America in
3 Congress assembled, That this Act may be cited as the
4 "Iran Claims Act".

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RECEIPT AND DETERMINATION OF CERTAIN CLAIMS

Sec. 2. (a) The Foreign Claims Settlement

Commission of the United States is hereby authorized to receive and determine, in accordance with the provisions of title I of the International Claims Settlement Act of 1949, the validity and amounts of claims by nationals of the United States against Iran which are settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order, the terms of any settlement agreement, the relevant provisions of the Declarations of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretations thereof by the Iran-United States Claims Tribunal, and applicable principles of international law, justice and equity.

1 (b) The Commission shall certify to the Secretary
2 of the Treasury any awards determined pursuant to
3 subsection (a) of this section in accordance with
4 section 5 of title I of the International Claims
5 Settlement Act of 1949. Such awards shall be
6 paid in accordance with sections 7 and 8 of that
7 title, except that --

8 (1) the Secretary of the Treasury is authorized
9 to make payments pursuant to Section 8(c) (1) in
10 the amount of \$10,000 or the principal amount of
11 the award, whichever is less; and

12 (2) the Secretary of the Treasury is authorized
13 to deduct pursuant to section 7(b) an amount equal to
14 2 per centum, instead of 5 per centum, of payments
made pursuant to section 8(c).

15 DEDUCTIONS FROM ARBITRAL AWARDS

16 Sec. 3. (a) Except as provided in section 4,
17 whenever the Federal Reserve Bank of New York shall
18 receive an amount from the Security Account established
19 pursuant to the Declarations of the Democratic and
20 Popular Republic of Algeria of January 19, 1981, in
21 satisfaction of an award rendered by the Iran-United
22 States Claim Tribunal in favor of a United States national,
23 the Federal Reserve Bank of New York shall deduct from the
24 amount so received an amount equal to two per centum
25 thereof as reimbursement to the United States Government
26 for expenses incurred by the Departments of State and

1 the Treasury, the Federal Reserve Bank of New York, and
2 other agencies in connection with the arbitration of
3 claims of United States nationals against Iran
4 before the Iran-United States Claims Tribunal.

5 (b) Amounts deducted by the Federal Reserve Bank of
6 New York pursuant to subsection (a) shall be deposited
7 into the Treasury to the credit of miscellaneous
8 receipts.

9 (c) Nothing in this section shall be construed to
10 affect the payment to United States nationals of amounts
11 received by the Federal Reserve Bank of New York in
12 respect of awards by the Iran-United States Claims
13 Tribunal, after deduction of the amounts specified in
14 subsection (a).

15 (d) This section shall be effective as of June 7,
16 1982.

17 EN BLOC SETTLEMENT

18 Sec. 4. The deduction by the Federal Reserve Bank
19 of New York provided for in section 3(a) of this Act
20 shall not apply in the case of a sum received by the Bank
21 pursuant to an en bloc settlement of any category of
22 claims of United States nationals against Iran when such
23 sum is to be used for payments in satisfaction of awards
24 certified by the Foreign Claims Settlement Commission
25 pursuant to section 2(b) of this Act.

1 REIMBURSEMENT TO THE FEDERAL RESERVE BANK
2 OF NEW YORK

3 Sec. 5. The Secretary of the Treasury is hereby
4 authorized to reimburse the Federal Reserve Bank of New
5 York for expenses incurred by the Bank in the performance
6 of fiscal agency agreements relating to the settlement or
7 arbitration of claims pursuant to the Declarations of the
8 Democratic and Popular Republic of Algeria of January 19,
9 1981.

10 CONFIDENTIALITY OF RECORDS

11 Sec. 6 Notwithstanding the provisions of the
12 Freedom of Information Act, section 552 of title 5,
13 United States Code, records pertaining to the arbitra-
14 tion of claims before the Iran-United States Claims
15 Tribunal shall be prohibited from disclosure to the
16 general public except that:

17 (1) rules, awards, and other decisions of the
18 Tribunal and claims and responsive pleadings
19 filed at the Tribunal by the United States on its
20 own behalf shall be made available to the public
21 unless the Secretary of State or his designee
22 determines that disclosure would be contrary to
23 the national interest; and

24 (2) the Secretary of State or his designee may
25 determine on a case-by-case basis to make such
26 information available when in his judgment the
27 interests of justice requires.

SECTION-BY-SECTION ANALYSIS

OF THE PROPOSED

IRAN CLAIMS ACT

I. INTRODUCTION

The proposed legislation (hereinafter referred to as "the Bill") contains authority for certain actions by the Foreign Claims Settlement Commission, the Department of the Treasury, and the Federal Reserve Bank of New York in implementation of the Algiers Accords of January 19, 1981, which achieved the release of the American hostages from Iran.

Specifically, the Bill authorizes the Foreign Claims Settlement Commission to adjudicate claims by United States nationals against Iran in the event that they are settled by agreement between the United States and Iran. It also authorizes the Secretary of the Treasury to make payments in satisfaction of the Commission's determinations. It provides authority and procedures for reimbursement to the United States Government of expenses incurred by the Departments of State and the Treasury, the Federal Reserve Bank of New York and other agencies for the benefit of U.S. nationals who obtain arbitral awards against Iran from the Iran-United States Claims Tribunal. Finally, the Bill would allow the Secretary of State to maintain the confidentiality of certain records of the Department of State pertaining to the arbitration of claims before the Iran-United States Claims Tribunal.

The Algiers Accords consisted primarily of two "declarations" by the Government of Algeria which were adhered

to by the United States and Iran. The first of these (the "General Declaration") provided inter alia for the revocation of sanctions, the transfer of certain Iranian financial assets and property, and the nullification of certain claims and attachments through reference to binding arbitration in accordance with the second declaration (the "Claims Settlement Agreement"). The General Declaration also provided for the establishment of a Security Account, funded from transferred Iranian assets at an initial level of \$1 billion, to secure the payment of arbitral awards against Iran. Iran is obliged to replenish the Security Account whenever the payment of claims causes it to fall below \$500 million. The Claims Settlement Agreement provided for the establishment of an Iran-United States Claims Tribunal at The Hague to decide, inter alia, claims by nationals of the United States against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The expenses of the Tribunal are borne equally by the Governments of Iran and the United States.

In accordance with the Claims Settlement Agreement, claims of U.S. nationals against Iran for less than \$250,000 each are to be presented to the Tribunal by the United States Government rather than by the claimants themselves. The Bill would authorize the Foreign Claims Settlement Commission and the Department of the Treasury respectively to adjudicate and pay these "small" claims in the event that Iran and the United States agree to settle them on a lump-sum (or en bloc) basis rather than to arbitrate them before the Tribunal.

Under implementing agreements signed on August 17, 1981, by the Federal Reserve Bank of New York as Fiscal Agent of the United States, Bank Markazi Iran, Banque Centrale d'Algerie as escrow agent and the Dutch Central Bank and its subsidiary depositary bank, arbitral awards rendered by the Tribunal against Iran in favor of U.S. nationals will be certified for payment by the Tribunal and paid from the Security Account to the Federal Reserve Bank of New York. The Bill would authorize the reimbursement to the United States Government of expenses incurred in connection with the Tribunal and the Security Account by deducting two per cent from each amount received from the Security Account for payment to a U.S. national in satisfaction of a Tribunal award.

The question of further distribution of the amounts received by the New York Federal Reserve Bank is not addressed in the relevant agreements. Under the proposed legislation, these amounts will be transmitted directly to the U.S. national in whose favor an award has been made immediately and without any additional deduction.

The Department of State is charged with implementing the Claims Settlement Agreement of the Algiers Accords. The Department monitors Tribunal activities, analyzes Iranian factual and legal arguments, and prepares factual and legal materials to support U.S. Government and U.S. claimants' positions. Since the Claims Settlement Agreement requires that private claims of less than \$250,000 each be presented by the Government of the national concerned, the Department collects

all the information necessary to prepare and present such claims before the Tribunal. The Department also represents the United States Government at the Tribunal, filing claims on its behalf and responding to claims filed against it by the Government of Iran. Finally, the Department identifies common legal issues and coordinates the presentation by large and small private claimants and by the Government of such issues before the Tribunal. Under the proposed legislation, the Department will be able to protect records which may be used by our adversaries against the Government or against U.S. claimants at the Tribunal. At the same time, the Department will be able to work with claimants and legal scholars in order to achieve a favorable resolution of U.S. claims pending before the Tribunal.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This section states that the Bill may be cited as the "Iran Claims Act".

Section 2. Receipt and Determination

This section authorizes the Foreign Claims Settlement Commission of the United States, a component of the Department of Justice, to adjudicate claims of U.S. nationals against Iran in the event that they are settled as between Iran and the United States.

Under the Claims Settlement Agreement, claims of U.S. nationals which are, in the aggregate, for less than \$250,000

each (the "small" claims) are to be presented to the Iran-United States Claims Tribunal by the United States Government rather than the claimants themselves. Prior to the January 19, 1982 deadline, some 2,795 small claims were filed by the Department of State with the Tribunal. Arbitration of such a large number of small claims would place a severe burden on the Tribunal. The United States has proposed to Iran that such claims be settled by a lump-sum (or en bloc) agreement. If such a settlement were negotiated, the amount received in discharge of the claims thereby settled would be distributed among individual claimants on the basis of adjudication by the Foreign Claims Settlement Commission.

Subsection (a) makes clear the authority of the Commission to adjudicate the claims on the basis of title I of the International Claims Settlement Act of 1949, as amended, in the event of a settlement. The precise nature of a settlement cannot be predicted. To ensure consistency of result regardless of the form it takes, the Commission is directed to apply the terms of any settlement agreement, relevant jurisdictional provisions of the Claims Settlement Agreement, giving consideration to interpretations thereof by the Tribunal, and the applicable principles of international law, justice and equity.

Subsection (b) also directs the Commission to certify its awards under section 5 of the International Claims Settlement Act to the Secretary of the Treasury for payment in accordance

with the provisions of sections 7 and 8 of that Act. Section 8(c)(1) currently limits the initial payment which the Secretary of the Treasury may make on account of an award to the amount of \$1,000 or the principal amount of the award, whichever is less. Subsection (b)(1) of the Bill authorizes the Secretary of the Treasury to make such payments to successful claimants up to the amount of \$10,000 or the principal amount of the award, whichever is less. Payments on the unpaid balance of awards in excess of \$10,000 would thereafter be made in accordance with the existing provisions of Section 8(c) of title I of the International Claims Settlement Act. Section 7(b) of the International Claims Settlement Act currently reimburses the Government in the amount of 5 per centum of payments made under section 8(c)(1). Subsection (b)(2) reduces this recovery to 2 per centum to eliminate the disparity in the amount deducted from awards rendered by the Tribunal and those rendered by the Commission.

Section 3. Deductions from Arbitral Awards

This section, consisting of four subsections, establishes the basic structure for effecting reimbursement of the expenses incurred by the U.S. Government on behalf of U.S. claimants in connection with the Iran-United States Claims Tribunal and the Security Account. Those expenses include both the U.S. contribution to the Tribunal for its capital and operating expenses (which are borne equally by Iran and the United

States) and the U.S. share of the management fees associated with the Security Account, as well as the costs incurred by U.S. Government agencies and the Federal Reserve Bank in connection with U.S. participation in the Tribunal.

Subsection (a) generally directs the Federal Reserve Bank of New York to deduct the reimbursement from each payment received from the Security Account in satisfaction of an arbitral award, including any interest thereon, by the Tribunal in favor of a U.S. claimant. Thus, reimbursement is collected only from those claimants who avail themselves of the Tribunal, receive a favorable award and are paid from the Security Account. Those claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government.

This subsection establishes the amount of the deduction at two percent of the amount received by the Federal Reserve Bank. Given the expected rate of awards in favor of U.S. nationals and the fulfillment by the Government of Iran of its obligation to replenish the Security Account whenever the balance therein falls below \$500 million, that amount is estimated to be sufficient to meet the anticipated costs, both direct and indirect, of U.S. participation in the Tribunal.

Subsection (b) provides that the amounts deducted for reimbursement to the Government of its expenses shall be deposited into the miscellaneous receipts of the Treasury. The agencies incurring expenses for the operations of the Tribunal

will not be able to use any of these funds. Rather, the agencies will be responsible for justifying to the Congress appropriations in amounts necessary to pay their expenses.

Subsection (c) makes clear that the authority to make the deductions provided by this section does not otherwise affect the distribution of amounts received by the Federal Reserve Bank in satisfaction of awards by the Tribunal. After the two per cent deduction is made, the balance of the award will be transmitted in full and at once to the successful claimant.

Subsection (d) establishes June 7, 1982 as the effective date of this section. On that date, the Treasury Department issued a directive license under the authority of the Independent Offices Appropriation Act authorizing the Federal Reserve Bank of New York to deduct two percent of each amount received in satisfaction of an award of the Tribunal and to pay the balance immediately thereafter to the awardee without further deduction or alteration. Monies so deducted have been deposited in the general funds miscellaneous receipts. However, suit has been brought in the U.S. Court of Claims challenging the use of this general statutory authority. This subsection is intended to ratify the Treasury Department's action in issuing the directive license, and to give Congress an independent opportunity to review and approve the amount and character of these deductions.

Section 4. En Bloc Settlement

Section 4 provides an exception to the requirement for a two percent deduction in the case of any amount received by the

Federal Reserve Bank in satisfaction of a settlement of claims of U.S. nationals which are to be adjudicated by the Foreign Claims Settlement Commission. Section 2(b)(2) of the Bill separately provides for a two percent deduction from each payment by the Department of the Treasury as reimbursement for U.S. Government expenses in the case of claims decided by the Foreign Claims Settlement Commission. In the absence of the exception provided in this section of the Bill, U.S. nationals with claims against Iran which were adjudicated by the Foreign Claims Settlement Commission rather than the Tribunal could be subjected to duplicative deductions from their awards -- first by the Federal Reserve Bank under section 3(a), and second by the Treasury Department under section 2(b)(2) of the Bill.

Section 5. Reimbursement to the Federal Reserve Bank

This section authorizes the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses in acting as Fiscal Agent of the United States pursuant to its Fiscal Agency Agreement with the Treasury dated August 14, 1981, in connection with banking arrangements which implement the Algiers Accords. These expenses of the Federal Reserve Bank of New York have been taken into account in the establishment of the level of reimbursement to be deducted from awards under section 3(a) of the Bill. The section is intended to clarify the authority of the Secretary of the Treasury to make such reimbursements in the context of this arbitration, rather than rely on the more general authority of section 1023 of title 31 of the United States Code.

Section 6. Confidentiality of Records

This section would allow the Secretary of State to maintain the confidentiality of Department of State records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal by exempting these records from the Freedom of Information Act. The majority of claims pending before the Tribunal have been brought by United States nationals against the Government of Iran, seeking billions of dollars in compensation for losses suffered as a result of the revolution in Iran. Pursuant to the Tribunal's own Rules of Procedure, pleadings and other materials filed by claimants are not publicly available. Most claimants also treat materials concerning their claims as confidential.

The Department of State plays a unique role in the arbitration of claims before the Iran-United States Claims Tribunal. Through the Office of the Legal Adviser and the U.S. Agent at the Tribunal, the Department acts as the legal representative of the United States Government and presents the claims of the 2,795 United States nationals whose claims are for less than \$250,000 each. In order to provide proper representation, the Department monitors Tribunal activities, analyzes factual and legal arguments, and prepares memorials and other legal submissions in support of U.S. positions. It is thus in a unique position to assist the 600 or so United States nationals with claims of \$250,000 or more in presenting their claims directly to the Tribunal by serving

as a clearinghouse for information on Tribunal developments and by coordinating the presentation of U.S. positions before the Tribunal.

The disclosure provisions of the Freedom of Information Act impair the Department's ability to carry out these vital functions, inhibiting the flow of information to and from the Department. Private claimants cannot be assured that the Department will be able to protect confidential information which they provide either in support of their claim or their legal positions; release of certain information may jeopardize the safety of certain claimants or their relatives or the ability of the claimant to settle his claim; and documents received on a basis of confidentiality from the Tribunal, unless classified, may be required to be disclosed to the public. In addition, the Department risks being found to have made a public disclosure of its proposed positions and arguments whenever it seeks to coordinate with a group of claimants.

Paragraph (1) of the Bill requires the Department to make available to the public claims and responsive pleadings filed at the Tribunal on behalf of the U.S. Government as well as awards, rules, and other decisions of the Tribunal. The Department, however, would be able to respect the Tribunal's policy of confidentiality for certain types of information. For example, under the Tribunal's Rules of Procedure, a claimant may request that an award not be made

public or that only portions of the award from which the identity of the parties, other identifying facts and trade secrets have been deleted be made public. The Secretary of State would be authorized under this paragraph to withhold from publication those portions excised by the Tribunal.

Paragraph (2) of the Bill allows the Secretary of State to make records pertaining to the arbitration of claims at the Iran-United States Claims Tribunal available on a case-by-case basis after he determines that in special circumstances justice requires such disclosure.

Insofar as an individual's files are concerned, the Privacy Act remains applicable.

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