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Last Updated: 11/06/2023

MEMORANDUM

NATIONAL SECURITY COUNCIL

June 25, 1981

MEMORANDUM FOR RICHARD G. DARMAN

FROM: ALLEN J. LENZ *AL*

SUBJECT: Hostage Relief Act of 1980

The NSC staff has no objection to the proposed Executive Order entitled "Hostage Relief Act of 1980."

→ Kemp
file

WHITE HOUSE STAFFING MEMORANDUM

DATE: June 24, 1981 ACTION/CONCURRENCE/COMMENT DUE BY: June 29

SUBJECT: Proposed Executive Order entitled "Hostage Relief Act of 1980"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input type="checkbox"/>	NOFZIGER	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMSON	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
ALLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CANZERI	<input type="checkbox"/>	<input type="checkbox"/>
ANDERSON	<input type="checkbox"/>	<input type="checkbox"/>	FULLER (For Cabinet)	<input type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	HODSOLL	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MC COY	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input type="checkbox"/>	<input type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
GARRICK	<input type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input type="checkbox"/>	<input type="checkbox"/>	USTR	<input type="checkbox"/>	<input type="checkbox"/>
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please provide any comments on this proposed EO by COB 6/29.

Richard G. Darman
Deputy Assistant to the President
and Staff Secretary
(x-2702)



June 22, 1981

Mr. Tom Jones
Executive Clerk
The White House
Room 5, Old Executive Office Bldg.
Washington, DC 20500

Dear Mr. Jones:

Transmitted herewith is a proposed Executive order entitled "Hostage Relief Act of 1980."

The proposed Executive Order has been reviewed in this office and approved for conformity with the provisions of Executive Order 11030, as amended.

Sincerely,

A handwritten signature in cursive script, reading "John E. Byrne".

JOHN E. BYRNE
Director of the Federal Register

Enclosure



United States Department of Justice
Washington, D. C. 20530

ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

1 6 JUN 1981

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Hostage Relief Act of 1980."

This proposed order was submitted by the Department of State and was revised by the Office of Management and Budget. It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in cursive script, reading "Theodore B. Olson".

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel



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

GENERAL COUNSEL

June 15, 1981

Honorable William French Smith
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Hostage Relief Act of 1980."

This proposed Executive order was submitted by the Department of State, along with the enclosed transmittal letter. The proposed order would set January 21, 1981, as the date for the hostage release from Iran. As the Department of State transmittal letter noted, January 21 is the date all of the hostages returned to full United States control in Wiesbaden.

None of the interested agencies objects to the issuance of this proposed order.

At the suggestion of the Department of the Treasury we have revised the proposed order to reflect both sections of the Hostage Relief Act in which the President determines the return date of the hostages. [For Title I purposes, the hostage period thus ends on January 1, 1983, as provided by Section 101(2) of the Act. For Title II purposes, the hostage period thus ends on January 21, 1981, in accord with Section 205(b) of the Act.]

Your staff may direct any questions concerning this proposed Executive order to Mr. Ronald A. Kienlen of this office (395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

William M. Nichols
William M. Nichols
General Counsel

Enclosures



United States Department of Justice
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

1 8 JUN 1981

MEMORANDUM

Re: Proposed Executive order entitled
"Hostage Relief Act of 1980"

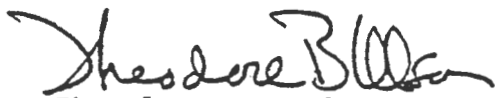
The attached proposed Executive order was submitted by the Department of State and was revised by the Office of Management and Budget. It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order would name January 21, 1981, the day on which the last of the American hostages were returned to the full control of United States authorities at Wiesbaden, West Germany, as

the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for,

under §§ 101(2)(A) and 205(b)(1) of the Hostage Relief Act of 1980 (the Act), Pub. L. No. 96-449, §§ 101(2)(A) and 205(b)(1), 94 Stat. 1967, 1972. This would have the effect of closing the "hostage period" for the purposes of title II ("Tax Provisions") of the Act as of January 21, 1981. It would also ensure that the "hostage period" for the purposes of title I ("Special Personnel Benefits") does not run past January 1, 1983. Under both titles the length of the "hostage period" is crucial to a determination of who is an "American hostage." Only persons "placed in a captive status during the hostage period" qualify as "American hostages," see §§ 101(1) and 205(a) of the Act, and only "American hostages" and their dependents are entitled to the benefits and relief provided for by the Act.

The proposed Executive order is acceptable as to form and
legality.



Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

]

EXECUTIVE ORDER

HOSTAGE RELIEF ACT OF 1980

By the authority vested in me as President of the United States of America by Sections 101(2) and 205(b) of the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967, 1972; 5 U.S.C. 5561 note), it is hereby ordered that January 21, 1981, is specified as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for and no longer under foreign control.

THE WHITE HOUSE,

Mr. Kiehl

2935

MEMORANDUM

NATIONAL SECURITY COUNCIL

May 27, 1981

MEMORANDUM FOR WILLIAM M. NICHOLS

FROM: ALLEN J. LENZ *ajl*

SUBJECT: Proposed Executive Order Entitled
"Hostage Relief Act of 1980"

The NSC staff concurs with the Department of State and is aware of no purpose to be served by having the "hostage period" run to the end of the year, and the proposed order would specify January 21, the date all the hostages returned to full United States control in Wiesbaden (Tab A).

3



DEPARTMENT OF STATE

Washington, D.C. 20520

May 8, 1981

Dear Mr. Stockman:

In accordance with Executive Order 11030, I enclose for review and transmission to the President a proposed Executive order in further implementation of the Hostage Relief Act (P.L. 96-449).

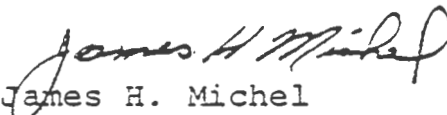
Executive Order 12268, January 15, 1981 (46 FR 4671) generally delegated to the Secretary of State functions vested in the President by that Act. One function remains, however, which requires issuance of an Executive Order. Section 205(b) of the Act defines a key term "hostage period" as ending on the date the President specifies, by Executive Order, as the date on which all citizens and resident aliens held hostage in Iran "have been returned to the United States or otherwise accounted for" or December 31, 1981, whichever is earlier.

The duration of the "hostage period" serves to define when some tax provisions of the Act expire (e.g. filing of a joint return by a spouse and relief from determining tax liability).

We are aware of no purpose to be served by having the period run to the end of the year, and the proposed order would specify January 21, the date all the hostages returned to full United States control in Wiesbaden.

We understand that the Treasury Department supports early issuance of the proposed order.

Sincerely,


James H. Michel
Acting Legal Adviser

Enclosure:

Proposed Executive Order.

The Honorable
David A. Stockman, Director,
Office of Management and Budget.

91 JUN 24 AID: 45

JANET COLSON

BUD NANCE

DICK ALLEN

IRENE DERUS

JANET COLSON

BUD NANCE

KAY

CY TO VP

CY TO MEESE

CY TO BAKER

CY TO DEEVER

CY TO BRADY

[Handwritten signature]

To Staffing

SHOW CC

SHOW CC

SHOW CC

SHOW CC

SHOW CC

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

June 25, 1981

MEMORANDUM FOR ALLEN J. LENZ

FROM: GEOFFREY KEMP *JK*

SUBJECT: Hostage Relief Act of 1980

The memorandum for your signature to Richard Darman at Tab I relays NSC staff concurrence to the proposed Executive Order entitled "Hostage Relief Act of 1989."

RECOMMENDATION:

That you sign the memorandum to Richard Darman at Tab I.

APPROVE _____

DISAPPROVE _____

Bob Kimmitt concurs.

Attachment

Tab I - Memorandum to Richard Darman

31 JUN 24 AID: 45

JANET COLSON

BUD NANCE

DICK ALLEN

IRENE DERUS

JANET COLSON

BUD NANCE

KAY

CY TO VP

CY TO MEESE

CY TO BAKER

CY TO DEEVER

CY TO BRADY

[Handwritten signature]

To Staffing

SHOW CC

SHOW CC

SHOW CC

SHOW CC

SHOW CC

(Kemp)

*GR
RT
DF
GS
file*

MEMORANDUM

NATIONAL SECURITY COUNCIL

June 29, 1981

MEMORANDUM FOR RONALD K. PETERSON

FROM: ALLEN J. LENZ *aj*

SUBJECT: State Proposed Reports on H.R. 1133
and H. Con. Res. 47 Relating to the
U.S. Hostages Held in Iran

The NSC staff concurs with the Department of State and the Office of Management and Budget that H.R. 1133 and House Concurrent Resolution 47 should not be enacted.

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

June 29, 1981

MEMORANDUM FOR ALLEN J. LENZ

FROM:

GEOFFREY KEMP *GK*

SUBJECT:

State Proposed Reports on H.R. 1133
and H. Con. Res. 47 Relating to the
U.S. Hostages Held in Iran

The memorandum for your signature to Ronald Peterson at Tab I forwards NSC staff concurrence with the Department of State and OMB that H.R. 1133 and House Concurrent Resolution 47 should not be enacted.

Bob Kimmitt concurs.

RECOMMENDATION:

That you sign the memorandum at Tab I to Ronald Peterson.

APPROVE _____

DISAPPROVE _____

MEMORANDUM

NATIONAL SECURITY COUNCIL

June 29, 1981

MEMORANDUM FOR RONALD K. PETERSON

FROM: ALLEN J. LENZ

SUBJECT: State Proposed Reports on H.R. 1133
and H. Con. Res. 47 Relating to the
U.S. Hostages Held in Iran

The NSC staff concurs with the Department of State and the Office of Management and Budget that H.R. 1133 and House Concurrent Resolution 47 should not be enacted.



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

June 24, 1981

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-

National Security Council ✓
Department of Defense
International Communication Agency
Department of Justice

SUBJECT: State proposed reports on H.R. 1133, and
H. Con. Res. 47 relating to the U.S. hostages
held in Iran.

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 July 15, 1981.

Questions should be referred to Tracey Lawler (395-4710), the legislative analyst in this office,

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc:
Jim Barie



DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Chairman:

I am pleased to provide comments of the Department of State on House Concurrent Resolution 47, as requested in your letter to Secretary Haig of April 20, 1981.

The proposed resolution has two components. The first calls upon the President to use the means at his disposal to apprehend, try, and punish those involved in the Embassy takeover. The second calls upon the President to use his discretion in determining whether to suspend the implementation of all or part of the January 19 agreement with Iran.

The Department agrees that the perpetrators of the illegal acts referred to in the resolution should be brought to justice. It should be noted, however, that, as a practical matter, there is very little that can be done to achieve this objective at the present time. It remains to be seen whether our relations with Iran will develop in a direction that may make action to achieve this objective practicable. With respect to the possibility of bringing an action against individuals before the International Court of Justice, it should be noted that, under article 34 of the Court's Statute, "only states may be parties in cases before the Court." I should add that we are attempting to identify the individuals involved with a view toward application of such law enforcement measures as may be available to the United States, particularly in the event that any of them should ever attempt to enter the United States.

As for the second aspect of the resolution, President Reagan has already determined that the agreement should be implemented according to its terms because of a finding that it is in the overall interests of the United States to do so. Accordingly, it is the Department of State's view that House Concurrent Resolution 47 should not be enacted.

The Honorable
Clement J. Zablocki,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

Richard Fairbanks
Assistant Secretary for
Congressional Relations

Enclosure:

Correspondence Returned.

Congress of the United States
Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

April 20, 1981

att
ACTION
is assigned to
L

L. M. FOUNTAIN, N.C.
DANTE B. FASCELL, FLA.
BENJAMIN E. ROSENTHAL, N.Y.
LEE H. HAMILTON, IND.
JONATHAN B. BINGHAM, N.Y.
GUS YATRON, PA.
STEPHEN J. SOLARZ, N.Y.
DON BONKER WASH.
GERRY E. STUDDS, MASS.
ANDY IRELAND, FLA.
DAN MICA, FLA.
MICHAEL D. BARNES, MD.
HOWARD WOLPE, MICH.
GEO. W. CROCKETT, JR., MICH.
BOB SHAMANSKY, OHIO
SAM GEJDENSON, CONN.
MERVYN M. DYMALLY, CALIF.
DENNIS E. ECKART, OHIO
TOM LANTOS, CALIF.
DAVID R. BOWEN, MISS.

WILLIAM S. BROOMFIELD, MICH.
EDWARD J. DERWINSKI, ILL.
PAUL FINDLEY, ILL.
LARRY WINN, JR., KANS.
BENJAMIN A. GILMAN, N.Y.
TENNYSON GUYER, OHIO
ROBERT J. LAGOMARSINO, CALIF.
WILLIAM F. GOODLING, PA.
JOEL FRITCHARD, WASH.
MILLICENT FENWICK, N.J.
ROBERT K. DORNAN, CALIF.
JIM LEACH, IOWA
ARLEN ERDAHL, MINN.
TOBY ROTH, WIS.
OLYMPIA J. SNOWE, MAINE
JOHN LEBOUTILLIER, N.Y.

JOHN J. BRADY, JR.
CHIEF OF STAFF

Honorable Alexander M. Haig
Secretary
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

The Committee on Foreign Affairs would appreciate receiving the views of the Department of State on the following measures:

L H. Con. Res. 47 -- Expressing the sense of Congress that the President should seek through appropriate international means the apprehension, trial, and punishment of those responsible for the takeover of the United States Embassy in Tehran and the subsequent holding of American hostages.

L H. Con. Res. 86 -- To establish a Special Committee on Advisory Opinions from the World Court.

H. Con. Res. 52 -- Expressing the sense of the Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations.

It would be further appreciated if the Department's responses are received within four weeks. A copy of each measure is enclosed.

With kindest regards, I am

Sincerely yours,

Chairman

CJZ:rp
Enclosures

RECEIVED
DEPARTMENT OF STATE
FADOC
DOCUMENT ANALYSIS

APR 23 PM 5 02

97TH CONGRESS
1ST SESSION

H. CON. RES. 47

Expressing the sense of Congress that the President should seek through appropriate international means the apprehension, trial, and punishment of those responsible for the takeover of the United States Embassy in Tehran and the subsequent holding of American hostages.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 1981

Mr. SOLOMON (for himself, Mr. DERWINSKI, Mr. COLLINS of Texas, Mr. LEVITAS, Mr. MURPHY, Mr. BAILEY of Missouri, Mr. HINSON, Mr. SMITH of Alabama, Mr. WHITEHURST, and Mr. LAGOMARSINO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of Congress that the President should seek through appropriate international means the apprehension, trial, and punishment of those responsible for the takeover of the United States Embassy in Tehran and the subsequent holding of American hostages.

Whereas the seizure of the United States Embassy in Tehran and the subsequent holding of hostages was condoned by and later perpetuated by the Government of the Islamic Republic of Iran; and

Whereas the International Court of Justice has found Iran guilty of violations of its obligations under the Vienna Con-

ventions of 1961 and 1963 on Diplomatic and Consular Relations, the Treaty of Amity, Economic, and Consular Rights of 1955 and general rules and precedents of international law; and

Whereas the American hostages, while in their captivity, were subjected to psychological and physical abuse in contravention of all standards of human decency; and

Whereas terrorism has become a problem of major international proportions which threatens world order; and

Whereas international institutions have an obligation to insure that the basic elements of national sovereignty and diplomatic immunity are preserved: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that the Presi-
3 dent should seek through the International Court of Justice
4 and any other diplomatic means at his disposal the apprehen-
5 sion, trial, and punishment of all those persons involved in
6 the seizure of the United States Embassy in Tehran on No-
7 vember 4, 1979, and the taking and holding of American
8 citizens in that embassy; and be it further

9 *Resolved*, That should the President determine that
10 punishment for these violations of international law has not
11 been satisfactorily effected, he may, at his sole discretion,
12 suspend the implementation of any or all parts of the agree-
13 ments entered into by the United States to secure the release
14 of the American hostages.



DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Chairman:

I am pleased to provide comments of the Department of State on House Concurrent Resolution 47, as requested in your letter to Secretary Haig of April 20, 1981.

The proposed resolution has two components. The first calls upon the President to use the means at his disposal to apprehend, try, and punish those involved in the Embassy takeover. The second calls upon the President to use his discretion in determining whether to suspend the implementation of all or part of the January 19 agreement with Iran.

The Department agrees that the perpetrators of the illegal acts referred to in the resolution should be brought to justice. It should be noted, however, that, as a practical matter, there is very little that can be done to achieve this objective at the present time. It remains to be seen whether our relations with Iran will develop in a direction that may make action to achieve this objective practicable. With respect to the possibility of bringing an action against individuals before the International Court of Justice, it should be noted that, under article 34 of the Court's Statute, "only states may be parties in cases before the Court." I should add that we are attempting to identify the individuals involved with a view toward application of such law enforcement measures as may be available to the United States, particularly in the event that any of them should ever attempt to enter the United States.

As for the second aspect of the resolution, President Reagan has already determined that the agreement should be implemented according to its terms because of a finding that it is in the overall interests of the United States to do so. Accordingly, it is the Department of State's view that House Concurrent Resolution 47 should not be enacted.

The Honorable
Clement J. Zablocki,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

Richard Fairbanks
Assistant Secretary for
Congressional Relations

Enclosure:

Correspondence Returned.

CLEMENT J. ZABLOCKI, WIS., CHAIRMAN

L. H. FOUNTAIN, N.C.
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OLYMPIA J. SNOWE, MAINE
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P810054-1889

Congress of the United States Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

April 20, 1981

JOHN J. BRADY, JR.
CHIEF OF STAFF

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L

Honorable Alexander M. Haig
Secretary
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

The Committee on Foreign Affairs would appreciate receiving the views of the Department of State on the following measures:

L H. Con. Res. 47 -- Expressing the sense of Congress that the President should seek through appropriate international means the apprehension, trial, and punishment of those responsible for the takeover of the United States Embassy in Tehran and the subsequent holding of American hostages.

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Sincerely yours,

Chairman

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Enclosures

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APR 26 PM 5 02
FADRC
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97TH CONGRESS
1ST SESSION

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Expressing the sense of Congress that the President should seek through appropriate international means the apprehension, trial, and punishment of those responsible for the takeover of the United States Embassy in Tehran and the subsequent holding of American hostages.

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JANUARY 29, 1981

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Whereas the American hostages, while in their captivity, were subjected to psychological and physical abuse in contravention of all standards of human decency; and

Whereas terrorism has become a problem of major international proportions which threatens world order; and

Whereas international institutions have an obligation to insure that the basic elements of national sovereignty and diplomatic immunity are preserved: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that the Presi-
3 dent should seek through the International Court of Justice
4 and any other diplomatic means at his disposal the apprehen-
5 sion, trial, and punishment of all those persons involved in
6 the seizure of the United States Embassy in Tehran on No-
7 vember 4, 1979, and the taking and holding of American
8 citizens in that embassy; and be it further

9 *Resolved*, That should the President determine that
10 punishment for these violations of international law has not
11 been satisfactorily effected, he may, at his sole discretion,
12 suspend the implementation of any or all parts of the agree-
13 ments entered into by the United States to secure the release
14 of the American hostages.

DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Chairman:

I am pleased to provide comments of the Department of State on H.R. 1133, as requested in your letter to Secretary Haig of February 20, 1981.

H.R. 1133 would respond to the seizure and detention of the American hostages in Iran by calling on the President to exercise the authorities he has to require the Government of Iran to take certain actions. In large part, the actions contemplated by the bill would be inconsistent with the agreement between Iran and the United States that led to the release of the hostages. Article 11 of the Declaration of the Government of Algeria, to which the United States adhered on January 19, 1981, provides that upon release of the hostages, the United States will

"bar and preclude the prosecution against Iran of any pending or future claim of the United States or a United States national arising out of events occurring before the date of this declaration related to (A) the seizure of the 52 United States nationals on November 4, 1979, (B) their subsequent detention, (C) injury to United States property or property of the United States nationals within the United States Embassy compound in Tehran after November 3, 1979, and (D) injury to the United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran."

An attempt by the President to compel Iran to make reparations to the hostages and to the U.S. Government would not be consistent with the provision just quoted.

As you know, after a careful and thorough review of the agreement with Iran, President Reagan decided that it should be implemented according to its terms because of a

The Honorable
Clement J. Zablocki,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

finding that it is in the overall interests of the United States to do so. The Administration expressly declined to make a determination as to whether the agreement is binding on the United States under international law. Moreover, the decision should not in any sense be understood as condoning the actions of the Iranian Government in connection with the Embassy takeover. Those actions, as the World Court found and H.R. 1133 declares, were in flagrant violation of international law. Nor should the President's decision be understood as a precedent for future situations that may arise. This Administration will respond in strong terms to future acts of state-sponsored terrorism against the United States, drawing on the full array of measures appropriate under the circumstances.

Underlying the conclusion that it is in the overall interests of the United States to implement the agreement is a recognition that the claims settlement aspects of the agreement will prove of great benefit to most American claimants. The funds already returned to Iran and those that may yet be returned as a result of the implementation of the agreement are funds that belonged to Iran before the seizure of the hostages. As a condition of the return of its assets, Iran has agreed to a claims settlement procedure that should permit most American claimants to obtain satisfaction of their claims. Thus, the fourth aspect of H.R. 1133, which concerns the settlement of U.S. claims, merely calls upon the President to do what the Administration has already said it would do, namely, to pursue every avenue available under the Claims Settlement Agreement to ensure that U.S. claimants are able to have their claims settled or adjudicated and paid in full with an absolute minimum of delay. The Department of State is now taking the steps necessary to set up the Claims Tribunal and put it to work on the claims of U.S. nationals.

H.R. 1133 would also seek to have the President apprehend and punish those involved in the Embassy takeover. Although we agree that the perpetrators of these illegal acts should be brought to justice, there is very little that can be done, as a practical matter, to achieve this objective at the present time. It remains to be seen whether our relations with Iran will develop in a direction that may make action to achieve this objective practicable. I should add that we are attempting to identify the individuals involved with a view toward application of such law enforcement measures as may be available to the United States, particularly in the event that any of them should ever attempt to enter the United States.

In sum, it is the Department of State's view that H.R. 1113 should not be enacted because the action it contemplates would be, in part, inconsistent with an international agreement and, in part, impractical at the present time. Moreover, the bill calls upon the President to take certain action that the Administration has already indicated it will take.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

Richard Fairbanks
Assistant Secretary for
Congressional Relations

97TH CONGRESS
1ST SESSION

H. R. 1133

Directing the President to exercise the authorities he has to require the Government of Iran to punish those persons responsible for seizing the United States Embassy in Tehran and holding the American hostages, to make reparations to those hostages and to the United States for damages resulting from such seizure, and to fully satisfy other claims of United States citizens against Iran.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1981

Mr. LEVITAS introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

Directing the President to exercise the authorities he has to require the Government of Iran to punish those persons responsible for seizing the United States Embassy in Tehran and holding the American hostages, to make reparations to those hostages and to the United States for damages resulting from such seizure, and to fully satisfy other claims of United States citizens against Iran.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Congress finds that—

1 (1) the seizure and occupation of the United
2 States Embassy in Tehran and the taking hostage of
3 the United States citizens at the Embassy were con-
4 doned and encouraged by the Iranian Government;

5 (2) the failure of the Iranian Government to halt
6 these acts, and subsequently to continue to hold the
7 American hostages in an attempt to coerce capitulation
8 by the United States to certain demands, constituted
9 flagrant violations by Iran of its obligations under the
10 Vienna Convention on Diplomatic Relations, the
11 Vienna Convention on Consular Relations, the New
12 York Convention on the Prevention and Punishment of
13 Crimes Against Internationally Protected Persons, In-
14 cluding Diplomatic Agents, and the Treaty of Amity,
15 Economic Relations, and Consular Rights;

16 (3) the International Court of Justice held that
17 Iran, "by committing successive and continuous
18 breaches of the obligations laid upon it by the Vienna
19 Conventions of 1961 and 1963 on Diplomatic and
20 Consular Relations, the Treaty of Amity, Economic
21 Relations, and Consular Rights of 1955, and the appli-
22 cable rules of general international law, has incurred
23 responsibility toward the United States" and should
24 therefore make reparations for the injuries incurred by
25 the United States; and

1 (4) on account of these violations of international
2 law and the personal injuries suffered by the American
3 hostages, Iran should be required to make reparations
4 to the United States and the hostages.

5 Sec. 2. The President shall exercise the authorities he
6 has to require the Government of Iran to—

7 (1) apprehend, try, and punish all those persons
8 involved in the seizure of the United States Embassy
9 in Tehran on November 4, 1979, and the taking and
10 holding hostage of the United States citizens in the
11 Embassy;

12 (2) make reparations to those United States citi-
13 zens for the damages incurred on account of their cap-
14 tivity, including both physical and psychological inju-
15 ries and inconvenience resulting from time lost;

16 (3) make reparations to the United States Govern-
17 ment for damages incurred as a result of the seizure of
18 the United States Embassy in Tehran and the Ameri-
19 can hostages, including damages to the Embassy prop-
20 erty and the costs of conducting the negotiations to
21 secure the release of the American hostages; and

22 (4) fully satisfy all outstanding commercial claims,
23 and other claims affecting property rights, of United
24 States citizens against Iran.

1 SEC. 3. The President shall report to the Congress, not
2 later than July 1, 1981, on the steps he has taken to carry
3 out section 2 of this Act.

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