

Ronald Reagan Presidential Library  
Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Kimmitt, Robert: Files  
**Folder Title:** Legal: Iran (4/17/1981-5/2/1981))  
**RAC Box:** 9

---

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library Inventories, visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

*Last Updated: 11/06/2023*

# WITHDRAWAL SHEET

Ronald Reagan Library

**Collection Name** KIMMITT, ROBERT: FILES

**Withdrawer**

SMF 7/7/2008

**File Folder** LEGAL: IRAN (4/17/1981-5/2/1981)

**FOIA**

M2008-113

**Box Number** 90301 RAC Box 9

FELIPPONE

14

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
54755	CABLE	121011Z MAY 81 <i>D 5/27/2011 M113/1</i>	5	5/12/1981	B1 B3
54756	CABLE	141238Z MAY 81 <i>D 5/27/2011 M113/1</i>	8	5/14/1981	B1 B3
54757	CABLE	190840Z MAY 81 <i>D 5/27/2011 M113/1</i>	5	5/19/1981	B1 B3
54758	CABLE	191605Z MAY 81 <i>D 5/27/2011 M113/1</i>	5	5/19/1981	B1 B3

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

Legal -  
Iran

RECEIVED 29 APR 81 10

TO MEESE, E

FROM KRAGEN, ADRIAN A

DOCDATE 07 APR 81

MEESE, E

24 APR 81

KEYWORDS: IRAN

LEGAL ISSUES

RIESENFELD, STEFAN

SUBJECT: RECOMMENDS APPT OF RIESENFELD TO TRIBUNAL FOR IRANIAN CLAIMS

ACTION: MEESE SGD LTR TO KRAGEN DUE: STATUS C FILES WH

FOR ACTION

FOR COMMENT

FOR INFO

KEMP

STEARMAN

KIMMITT

COMMENTS

REF# LOG NSCIFID ( C / C )

ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO


DISPATCH \_\_\_\_\_ W/ATTCH FILE \_\_\_\_\_ (C)

87 APR 27 AM 20

JANET COLSON

JC 27/1256

BUD NANCE

BN 27/1600

DICK ALLEN

DA 27/2328

IRENE DERUS

ID 28/0735

JANET COLSON

JC 28/0907

BUD NANCE

\_\_\_\_\_

KAY

\_\_\_\_\_

CY TO VP

\_\_\_\_\_

SHOW CC

\_\_\_\_\_

CY TO MEESE

\_\_\_\_\_

SHOW CC

\_\_\_\_\_

CY TO BAKER

\_\_\_\_\_

SHOW CC

\_\_\_\_\_

CY TO DEAVER

\_\_\_\_\_

SHOW CC

\_\_\_\_\_

CY TO BRADY

\_\_\_\_\_

SHOW CC

\_\_\_\_\_

24 April 1981

Dear Adrian:

Thank you for your letter of 7 April 1981 recommending that Professor Stefan Reisenfeld be appointed to the tribunal to adjudicate the Iranian claims.

As you may know by now, on 17 April 1981 the President announced the appointment of Judge Malcolm R. Wilkey, Mr. Richard M. Mosk of Los Angeles, and Mr. Howard M. Holtzmann of New York to be the three U. S. arbitrators to the Claims Tribunal.

I appreciate your suggestion, however, and was glad to hear from you. With kindest regards,

Sincerely,

EDWIN MEESE III  
Counsellor to the President

Dr. Adrian A. Kragen  
University of California  
Hastings College of the Law  
198 McAllister Street  
San Francisco, CA 94102

EM:EWT;bdp

cc: Dick Allen with copy of incoming  
Ed Meese with copy of original letter

UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW  
108 McALLISTER STREET  
SAN FRANCISCO, CALIFORNIA 94102

April 7, 1931

Honorable Edwin Meese  
Counselor to the President  
The White House  
Washington, D.C.

Dear Eddie:

I am writing to suggest that consideration be given to the appointment of Professor Stefan Riesenfeld to the tribunal to adjudicate the Iranian claims. There is no one more qualified than Steve, both from his vast knowledge of international law and from his experience with the State Department. In addition, he is probably the hardest worker you will find anywhere. He enjoys great prestige in the international field both in academic and non-academic circles. I believe he would be an outstanding member of the tribunal.


I will be in Washington May 14-17 for the American Bar Tax Section meeting. I will call you then and if your schedule permits would love to see you.

I am teaching at Hastings and have a joint Boalt-Hastings seminar so I am still busy, but have time to play golf and see Cal athletic events.

I have watched you a number of times on television and you have come through exceptionally well. We are all very proud of what you have done.

Sincerely,

AAK:ai

  
Adrian A. Kragen  
Professor of Law

*Legal -- Iran*

RECEIVED 08 MAY 81 14

TO LENZ

FROM CARLSTROM, R

DOCDATE 08 MAY 81

**URGENT**

KEYWORDS: IRAN

TERRORISM

LEGAL ISSUES

ILLEGAL ALIENS

SUBJECT: S-66 TO AMEND THE ALIEN ENEMY ACT

ACTION: COMMENTS/CONCURRENCE

DUE: 08 MAY 81 STATUS S FILES

*By phone or*

*Cvt*

FOR ACTION

FOR COMMENT

FOR INFO

KEMP

DE GRAFFENREID

SCHWEITZER

JENNINGS

STEARMAN

KIMMITT

COMMENTS

*memo from Lenz to Carlstrom.*

REF#

LOG

NSCIFID

( L / )

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO


DISPATCH

W/ATTCH FILE

(C)

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF ADMINISTRATION

ROUTE SLIP

376 A Allen Benz

TO <sup>Rm 374</sup> National Security Council

- Take necessary action
- Approval or signature
- Comment
- Prepare reply
- Discuss with me
- For your information
- See remarks below

Robert Carlston 4870

FROM Manner White 3856 DATE 5/8/81

REMARKS

We need your comments  
on 566 by COB today!





U. S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Strom Thurmond  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

This responds to your request for the views of the Department of Justice on S. 66, a bill to amend the Alien Enemy Act, 50 U.S.C. 21. The Department of Justice opposes enactment of the bill.

The Alien Enemy Act, originally enacted in 1798, authorizes the President to apprehend and remove nationals of a foreign nation residing in the United States "[w]henever there is a declared war between the United States and [that] foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States by [that] foreign nation or government." S. 66 would amend the Act by including the seizure or holding of the premises of an American diplomatic agent as hostage by a foreign government as actions that could trigger the President's power to restrain or remove nationals of the foreign country. As amended, the Act would authorize the President to detain or expel all persons in the United States who are nationals of foreign countries holding American hostages.

The Alien Enemy Act grants the President extraordinary power to deal with foreign nationals residing in this country. The constitutionality of the Act has been consistently upheld as a permissible exercise of the war power. See, e.g., Ludecke v. Watkins, 335 U.S. 160 (1948). The rationale supporting the Act is that the United States must have power to confine or remove aliens holding allegiance to an enemy country who are likely to commit acts dangerous to the public safety. See Citizens Protective League v. Clark, 155 F.2d 290, 294 (D.C. Cir. 1946).

The Act is clearly intended to apply to situations where war is imminent but has not yet been declared. At the time of its passage, Congress was concerned about French citizens in the United States who might join an invading French army; the President was deemed to need power to act before an official war

was declared. See 8 Annals of Congress 1791 (1798). During debate on the bill, amendments were proposed which would have deleted the phrases "or threatened" and "predatory incursion". Supporters of these amendments argued that the bill was too broad, given the power conferred on the President to "distress innocent persons." Id. at 1786. Congress rejected these amendments.

S. 66 would define a particular act of a foreign nation--seizure of an American embassy--as within the purview of the Alien Enemy Act. As just discussed, the Act contemplates use of its provisions by the President in situations where war is imminent and the President intends to request a declaration of war from Congress. Thus we believe that, upon seizure of an American embassy, the authority that the bill would grant would be appropriately exercised if done in contemplation of a congressional declaration of war.

We have serious doubts, however, about the constitutionality of the bill in the absence of a declaration, or an imminent declaration, of war. 1/ While we recognize that Congress has plenary authority to deport any class of aliens from the United States, we seriously doubt that aliens may be arrested and detained outside of a wartime context, even if such actions are incident to removal from this country. Resident aliens are protected by the Fourth, Fifth and Sixth Amendments. These Amendments prohibit arbitrary seizures and deprivations of liberty without due process. S. 66 would authorize severe restraints on an alien's liberty with no demonstration of the need to detain that particular alien. We are not aware of any exercise of such authority outside of a wartime context, 2/ and we doubt the existence of any governmental interest which would sustain it against a constitutional attack. 3/

---

1/ To the extent S. 66 would authorize the President to act when no war was imminent, it appears to be a clear expansion of the Alien Enemy Act. While the drafters of that Act sought to give the President authority before war was actually declared there is no indication that they intended to permit him to exercise the authority when no war was anticipated.

2/ The Alien Enemy Act has been invoked during World War I, see 40 Stat. 1651 (1917), and World War II, see Proc. No. 2525, 6 Fed. Reg. 6321 (1941).

3/ See Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866); Gerstein v. Pugh, 420 U.S. 103, 114 (1975) (Fourth Amendment requires judicial determination of probable cause as a prerequisite to

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

Sincerely,

Michael W. Dolan  
Acting Assistant Attorney General

---

3/ (Continued) extended restraint of liberty). Cf. Carlson v. Landon, 342 U.S. 524, 542 (1952) (upholding denial of bail pending deportation "where there is a reasonable apprehension of hurt from aliens charged with a philosophy of violence against this government"); Korematsu v. United States, 323 U.S. 214, 218 (1945) ("[N]othing short of apprehension by the proper military authorities of the gravest imminent danger to the public safety can constitutionally justify [a curfew or exclusion from one's neighborhood]."); Hirabayashi v. United States, 320 U.S. 81, 110 (1943) (Murphy, J., concurring) ("It would not be supposed that persons not charged with offenses against the law of war . . . could be deprived of due process of law and the benefits of trial by jury, in the absence of a valid declaration of martial law.").

Any alien held in custody under the bill could challenge his detention in a habeas corpus proceeding. Significantly, the Constitution provides that the Great Writ may be suspended only "when in Cases of Rebellion or Invasion the public Safety may require it." Art. I, sec. 9, cl. 2.

# WITHDRAWAL SHEET

Ronald Reagan Library

*Collection Name*

KIMMITT, ROBERT: FILES

*Withdrawer*

SMF 7/7/2008

*File Folder*

LEGAL: IRAN (4/17/1981-5/2/1981)

*FOIA*

M2008-113

FELIPPONE

*Box Number*

90301

14

<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restrictions</i>
	54755 CABLE 121011Z MAY 81	5	5/12/1981	B1

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

Re 2504

NATIONAL SECURITY COUNCIL

5/12/81

TO: BOB KIMMITT

FROM: GEOFF KEMP

SEE GARY SICK'S COMMENTS.

NATIONAL SECURITY COUNCIL

May 11, 1981

MEMO FOR GEOFF KEMP

FROM: GARY SICK *gs*

*To Gosk*

You asked for comments on the attached report.

In general, I think the idea of an international conference under UN auspices to review the Vienna Conventions on Diplomatic and Consular Relations in the light of the Iran crisis would be an excellent idea. I agree with State that, from a practical point of view, such a conference should be initiated from the UN, not from Washington. If we do it, the conference will immediately be tagged as a Third World issue and will never get off the ground.

On the other hand, if we want it to happen, we will not be able to just sit back and wait for the UN. We will have to do some back-door persuading and arm-twisting, as well as advance consultation with allies. The State letter leaves open this possibility, but makes no commitment to undertake such an effort, presumably awaiting some action by the Congress.

I recommend approving the State Department reply, but also to raise this issue as a subject for discussion at an IG. If the Iran IG is still functioning, that would be appropriate. If not, there may be one on International Organization affairs. This is something that Jeanne Kirkpatrick might be interested in pursuing.

*Legal -- Iran*

*Handwritten marks*

RECEIVED 07 MAY 81 14

TO ALLEN

FROM PETERSON, R

DOCDATE 04 MAY 81

KEYWORDS: LEGAL ISSUES

IRAN

TERRORISM

GLOBAL

SUBJECT: STATE PROPOSED RPT ON SR-44 RE CONVENING OF INTL CONFERENCE TO AMEND  
INTL AGREEMENTS RE PRIVILEGES & IMMUNITIES OF DIPLOMATICS

ACTION: PREPARE MEMO LENZ TO PETERSON DUE: 29 MAY 81 STATUS S FILES

FOR ACTION

FOR COMMENT

FOR INFO

KIMMITT

KEMP

SCHWEITZER

GUHIN

*Ask GS for his opinion on this one  
JAL 5/8/81*

COMMENTS

REF#

LOG

NSCIFID

( C / )

ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO


DISPATCH \_\_\_\_\_ W/ATTCH FILE \_\_\_\_\_ (C)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

May 4, 1981

LEGISLATIVE REFERRAL MEMORANDUM

TO:

Legislative Liaison Officer-  
National Security Council



SUBJECT:

State proposed report on S. Res. 44, "Relating to the convening of an international conference to amend certain international agreements concerning the privileges and immunities of diplomatic and consular agents."

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 Friday, May 29, 1981.

Questions should be referred to Tracey Cole Lawler (395-4710), the legislative analyst in this office, or to Bob Bauerlein (395-4580).

RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference

Enclosures





DEPARTMENT OF STATE

Washington, D.C. 20520

Dear Mr. Chairman:

I have been asked to respond to your letter of March 10 to Secretary Haig requesting the views of the Department of State on S. Res. 44, "Relating to the convening of an international conference to amend certain international agreements concerning the privileges and immunities of diplomatic and consular agents", submitted by Senator Moynihan on January 29, 1981. This Resolution represents a proposed response to the illegal actions committed by the Iranian Government in seizing and holding hostage United States diplomatic mission personnel from November 4, 1979 until January 20, 1981.

The Resolution recommends the convening of an international conference for the purpose of considering amendment of the Optional Protocols on the Settlement of Disputes of the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963. The Resolution proposes that the Protocols be amended so as to require parties to the Conventions to break diplomatic relations with any country which violates the provisions of the Conventions relating to the inviolability of the persons of diplomatic agents and consular officers and the inviolability of the premises of diplomatic or consular missions. These countries would also be required to declare the diplomatic and consular agents of the offending country persona non grata in their territory once the country whose rights have been violated makes application to the International Court of Justice for settlement of the dispute created by the violation.

The Department of State is supportive of any constructive efforts to develop measures within the structure of international law which will work towards the elimination or substantial reduction of the type of despicable actions which only recently took place in Iran in clear and direct violation

The Honorable  
Charles H. Percy,  
Committee on Foreign Relations,  
United States Senate.

of the Vienna Conventions. However, the convening of an international conference by the United States with the primary purpose of amending the Protocols so as to require the breaking of diplomatic relations with an offending country and the declaring of that country's diplomatic representatives persona non grata is not likely to achieve that result. There is not at this time sufficient international support for any regime of automatic sanctions against states which fail to uphold their obligations under the Vienna Conventions.

On the other hand, an international conference organized under United Nations auspices for the purpose of reviewing overall implementation of the Vienna Convention on Diplomatic Relations and a similar conference, if required, to review the Vienna Convention on Consular Relations could be utilized for purpose of determining those areas in which the Conventions could be strengthened with particular emphasis on improving the ability of States party to the Conventions to protect their rights and those of other States abiding by the Convention's provisions. Before any such conference is called, however, an opportunity to explore the U.S. allies the relative merits of specific sanctions such as those contained in S. 44 would be essential. In this way, the United States could play a decisive and effective role in guiding a conference, if convened, making certain that this country's interests both here and abroad are afforded the greatest possible protection.

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

Sincerely,

Richard Fairbanks  
Assistant Secretary for  
Congressional Relations

UNCLASSIFIED

Department of State

INCOMING TELEGRAM

Legal - ha

PAGE 01  
ACTION L-03

THE HA 03314 130958Z

3907  
*Kummitt*

INFO OCT-01 ADS-00 EUR-12 SS-15 OIC-02 LO-15 NEA-07  
NSC-05 ANAE-00 JUSE-00 SP-02 /062 W

-----317660 131006Z /14

P 130951Z MAY 81  
FM AMEMBASSY THE HAGUE  
TO SECSTATE WASHDC PRIORITY 1531

UNCLAS THE HAGUE 03314

E.O. 12065: N/A

TAGS: IR, US, ICJ

SUBJECT: DISCONTINUANCE OF THE WORLD COURT CASE USA VS. IRAN

REF: THE HAGUE 2998

1. WE HAVE RECEIVED THE FOLLOWING LETTER DATED MAY 12 FROM THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE: BEGIN TEXT:

WITH REFERENCE TO YOUR LETTERS DATED 6 APRIL AND 1 MAY 1981, ADDRESSED TO THE PRESIDENT OF THE COURT, CONCERNING THE PROCEEDINGS IN THE CASE CONCERNING UNITED STATES DIPLOMATIC AND CONSULAR STAFF IN TEHRAN, I HAVE THE HONOUR TO INFORM YOU THAT THE PRESIDENT OF THE COURT HAS TODAY MADE AN ORDER RECORDING THE DISCONTINUANCE OF THE PROCEEDINGS AND REMOVING THE CASE FROM THE LIST. I ENCLOSE THE SEALED COPY OF THE ORDER FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA; FURTHER PRINTED COPIES WILL BE DESPACHED IN DUE COURSE THROUGH THE USUAL CHANNEL. END TEXT.

2. ICJ ORDER POUCHED TO DEPARTMENT (L), REGISTRY NUMBER 4755247. DUNNIGAN

UNCLASSIFIED

# WITHDRAWAL SHEET

## Ronald Reagan Library

*Collection Name*

KIMMITT, ROBERT: FILES

*Withdrawer*

SMF 7/7/2008

*File Folder*

LEGAL: IRAN (4/17/1981-5/2/1981)

*FOIA*

M2008-113

FELIPPONE

*Box Number*

90301

14

---

<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restrictions</i>
54756	CABLE 141238Z MAY 81	8	5/14/1981	B1

---

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

# WITHDRAWAL SHEET

## Ronald Reagan Library

*Collection Name*

KIMMITT, ROBERT: FILES

*Withdrawer*

SMF 7/7/2008

*File Folder*

LEGAL: IRAN (4/17/1981-5/2/1981)

*FOIA*

M2008-113

FELIPPONE

*Box Number*

90301

14

---

<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restrictions</i>
54757	CABLE 190840Z MAY 81	5	5/19/1981	B1

---

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

# WITHDRAWAL SHEET

## Ronald Reagan Library

*Collection Name*

KIMMITT, ROBERT: FILES

*Withdrawer*

SMF 7/7/2008

*File Folder*

LEGAL: IRAN (4/17/1981-5/2/1981)

*FOIA*

M2008-113

FELIPPONE

*Box Number*

90301

14

---

<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restrictions</i>
54758	CABLE 191605Z MAY 81	5	5/19/1981	B1

---

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

*Legal Iran*  
IN

OP IMMED  
DE RUEHC #9900 1391838  
O 191730Z MAY 81  
FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE IMMEDIATE 5607

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE STATE 129900  
E.O. 12065: N/A

TAGS: IR, US, PORC

SUBJECT: PRESS GUIDANCE - ARBITRATORS' MEETING

1. THE FOLLOWING IS THE PRESS GUIDANCE WHICH THE DEPARTMENT IS ISSUING WITH REGARD TO THE MEETINGS IN THE HAGUE OF THE U.S. AND IRANIAN ARBITRATORS. WE ARE REFRAINING FROM PROVIDING ANY SPECIFIC INFORMATION ABOUT THE SUBSTANCE OF DISCUSSIONS OR ABOUT THE AGENDA OF THESE MEETINGS WE ARE INDICATING, IF ASKED, THAT WE MAY HAVE FURTHER INFORMATION AVAILABLE AT THE CONCLUSION OF THE MEETINGS BUT THAT NO OTHER INFORMATION WILL BE RELEASED UNTIL THEN.

2. BEGIN TEXT: THREE UNITED STATES AND THREE IRANIAN ARBITRATORS ARE CURRENTLY MEETING AT THE PEACE PALACE IN THE HAGUE TO APPOINT THREE NEUTRAL ARBITRATORS NECESSARY FOR THE COMPOSITION OF THE IRAN-UNITED STATES CLAIMS TRIBUNAL. FROM THOSE THREE NEUTRAL ARBITRATORS, A PRESIDENT OF THE TRIBUNAL WILL BE SELECTED. THIS PRELIMINARY MEETING IN THE HAGUE WILL INCLUDE MEETINGS BETWEEN A U.S. AND AN IRANIAN AGENT TO DISCUSS PROCEDURES FOR ESTABLISHING THE CLAIMS TRIBUNAL. END TEXT. HAIG  
BT

\*\*\*\*\*

DECLASSIFIED

SIT:  
EOB:  
WHSR COMMENTS:

Department of State Guidelines, July 21, 1997  
By Amf NARA, Date 7/7/08

PAGE 01 OF 01 SECSTATE WASHDC 9900 DTG:191730Z MAY 81 PSN:012317  
TOR: 139/1841Z CSN:HCE579

NSC/S PROFILE

UNCLASSIFIED

ID 8102935

RECEIVED 21 MAY 81 20

TO ALLEN

FROM NICHOLS, W

DOCDATE 21 MAY 81

MICHEL, J

08 MAY 81

*Kimmitt*



KEYWORDS: IRAN

HUMAN RIGHTS

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED HOSTAGE RELIEF ACT OF 80

ACTION: PREPARE MEMO LENZ TO NICHOLS DUE: 03 JUN 81 STATUS S FILES

FOR ACTION

FOR COMMENT

FOR INFO

KEMP

LORD

GUHIN

KIMMITT

*0. K. 5-22-81*

*① Cover to Kemp*

*② File: Legal - Iran*

COMMENTS

REF#

LOG

NSCIFID

( J / )

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO

DISPATCH \_\_\_\_\_ W/ATTCH FILE \_\_\_\_\_ (C)





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

2935

GENERAL COUNSEL

May 21, 1981

Honorable Richard V. Allen  
National Security Council  
Washington, D. C. 20506

Dear Mr. Allen:

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

In accordance with the provisions of Executive Order No. 11030, as amended, it was submitted to this office, along with the enclosed transmittal letter, by the Department of State.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections they should be received no later than Thursday, June 4, 1981.

Comments or inquiries may be submitted by telephone to Mr. Ronald A. Kienlen of this office (395-5600).

Sincerely,

*William M. Nichols*  
William M. Nichols  
General Counsel

Enclosure



DEPARTMENT OF STATE

Washington, D.C. 20520

Received  
5-19-81  
PK

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).

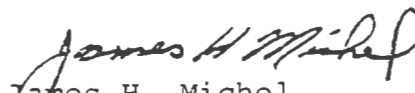
Executive Order 12268, January 15, 1981 (46 FR 4671) generally delegated to the Secretary of State functions vested in the President by that Act. One function remains, however, which requires issuance of an Executive Order. Section 205(b) of the Act defines a key term "hostage period" as ending on the 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.

Proposed Executive Order

HOSTAGE RELIEF ACT OF 1980

By the authority vested in me as President by section 205(b) of the Hostage Relief Act (Public Law 96-449; 94 Stat. 1972; 5 U.S.C. 5561 note), it is hereby ordered as follows:

On January 21, 1981, 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 were no longer under foreign control and were properly accounted for. On that date therefore, the "hostage period" defined for tax purposes in section 205(b) of the Act ended.

5/7/81