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# WITHDRAWAL SHEET

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Collection Name KIMMITT, ROBERT: FILES

Withdrawer

SMF 7/7/2008

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FOIA

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16

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54765	CABLE	012222Z JUL 81 <i>D 2/24/2010 M2008-113</i>	5	7/1/1981	B1
54766	CABLE	0601227 AUG 81 <i>D 5/27/2011 M113/1</i>	2	8/6/1981	B1 B3
54767	CABLE	061242Z JUL 81 <i>D 5/27/2011 M113/1</i>	6	7/6/1981	B1 B3
54768	CABLE	141849Z AUG 81 <i>D 2/24/2010 M2008-113</i>	2	8/14/1981	B1
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Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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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.

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2 - File:

Legal - Fran

*Legal - Iran*

RECEIVED 26 JUN 81 18

TO ALLEN

FROM PETERSON, R

DOC DATE 24 JUN 81

KEYWORDS: IRAN

LEGAL ISSUES

CONGRESSIONAL

SUBJECT: STATE PROPOSED RPT ON HR-1133 & HR-47 RE US HOSTAGES HELD IN IRAN

ACTION: PREPARE MEMO LENZ TO PETERSON DUE: 15 JUL 81 STATUS S FILES

FOR ACTION

FOR COMMENT

FOR INFO

KEMP

STEARMAN

KIMMITT

*[Handwritten signature]*

COMMENTS

REF#

LOG

NSCIFID

( M / )

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

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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. N. FOUNTAIN, N.C.  
DANTE B. FASCELL, FLA.  
BENJAMIN S. ROSENTHAL, N.Y.  
LEE H. HAMILTON, IND.  
JONATHAN S. 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 WOLFE, MICH.  
GEO. W. CROCKETT, JR., MICH.  
BOB SHAMANSKY, OHIO  
SAM GEJDENSON, CONN.  
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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:

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.

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  
MAY 26 PM 3 02  
FADRC  
DOCUMENT ANALYSIS

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.

PH10054-1889

Congress of the United States  
Committee on Foreign Affairs

House of Representatives

Washington, D.C. 20515

April 20, 1981

*att*  
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10 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

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Chairman

CJZ:rp  
Enclosures

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DOCUMENT ANALYSIS

101 APR 26 PM 3 02

RECEIVED  
DEPARTMENT OF STATE

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.

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## 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

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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. 1133 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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KIMMITT, ROBERT: FILES

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54766	CABLE 0601227 AUG 81	2	8/6/1981	B1

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

- B-1 National security classified information [(b)(1) of the FOIA]**
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54767	CABLE 061242Z JUL 81	6	7/6/1981	B1

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

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54768	CABLE 141849Z AUG 81	2	8/14/1981	B1

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

- B-1 National security classified information [(b)(1) of the FOIA]**
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54769	CABLE 151157Z AUG 81	6	8/15/1981	B1

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

- B-1 National security classified information [(b)(1) of the FOIA]**
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