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Hostage Agreement] (4)
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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name FIELDING, FRED: FILES

Withdrawer

DLB 12/2/2014

File Folder IRAN - [IMPLEMENTATION OF IRAN HOSTAGE AGREEMENT] (3 OF 6)

FOIA

S643/2

Box Number 31F

SYSTEMATIC

23

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
166087	MEMO	RICHARD J. DAVIS TO TIM MCNAMAR, RE: IRANIAN DEVELOPMENTS	2	2/10/1981	B1
166088	MEMO	DRAFT TO THE PRESIDENT, RE: IRAN HOSTAGE AGREEMENTS	6	2/12/1981	B1
166089	MEMO	RICHARD V. ALLEN TO THE PRESIDENT, RE: IRAN HOSTAGE AGREEMENTS AND RELATED ISSUES	2	2/15/1981	B1
166090	MEMO	ALEXANDER HAIG TO THE PRESIDENT, RE: IRAN HOSTAGE AGREEMENTS AND RELATED ISSUES	10	ND	B1
166091	PAPER	IRAN HOSTAGE AGREEMENTS AND RELATED ISSUES	14	ND	B1

The above documents were not referred for declassification review at time of processing

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

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2/11

Marc

There will be a
meeting at State
tomorrow at 11:00am
in Wolfowitz's ofc.

Indy
✓

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THE WHITE HOUSE

WASHINGTON

February 13, 1981

MEMORANDUM FOR ED MEESE
JIM BAKER

FROM: FRANK HODSOLL

SUBJECT: IRAN HOSTAGE AGREEMENTS

Attached are a proposed decision memorandum for the President and a paper prepared by State (with inputs from us). Marc Leland and I prepared the cover memorandum here because of our judgment that we could not get out of State a decision memo of appropriate length and focus. State will be transmitting their package to us this evening, having gotten clearance on it interagency. It will be attached to a cover memorandum from Haig. One of the outstanding issues is what, if any, Congressional consultations will be needed before the President announces his decision. State believes we will need to touch base before announcement of the decision. There is a meeting at State at 5 p.m. today to discuss Congressional strategy. We will, however, need a preliminary decision from the President before talking with the Congress.

My suggestion is as follows:

- Get State interagency working group paper with appropriate cover memo to President this weekend.
- Get Presidential decision Monday (with or without meeting with principals, based on what you think is necessary).
- Discussions with Hill Tuesday morning.
- Low key press announcement Tuesday afternoon or Wednesday morning; I would assume a Wednesday morning release would get buried by the economic speech in the evening (for the Thursday papers), although it would presumably make the evening news.

ATTACHMENT

CC: Dick Allen
Nancy Bearg Dyke
Dave Gergen

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ENCLOSURE(S)

db
12/1/14

SECRET ATTACHMENT

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February 13, 1981

*MEMBER DISTRICT OF COLUMBIA BAR

Talking Points Re Implementation of
 U.S.-Iranian Agreements

- I. Proposals Regarding Procedures for Resolving Legal Challenges to Executive Orders Requiring Transfer of Assets that are Subject to Judicial Writs of Attachment.
 - A. The Government should intervene in the lawsuits and litigate the Executive's power to nullify attachments before requiring banks and others to transfer assets subject to judicial attachments to the Federal Reserve.
 1. Avoid unnecessary confrontation between the Executive and the Judiciary.
 2. No emergency requires immediate transfers.
 3. Avoid making parties with attached assets choose between conflicting orders of the Executive and the Judiciary.
 - B. In the alternative, any regulations requiring transfer of assets to the Federal Reserve should do so only prospectively after a thirty-day grace period to allow private plaintiffs to bring orderly challenges to the Executive's authority before the Courts.
 - C. Legal challenges to the Executive's authority should take place before, not after, assets are transferred to the Federal Reserve.
 - D. In the alternative, all assets transferred to the Federal Reserve should be carefully inventoried and segregated in order to record and preserve lien priorities in the transferred funds until the Executive's authority to nullify attachments is litigated.

February 13, 1981
Page Two

II. Proposals Regarding Executive Orders and Regulations
Concerning Iranian Assets.

- A. The regulations should define the terms "funds" and "securities" very narrowly--e.g., the terms should not include as-yet-unperformed obligations of U.S. firms or citizens owed to Iran or Iranian entities.
- B. Executive Orders 12279, 12280, and 12281 should be amended, or construed by regulation, so as not to nullify attachments or judgments in lawsuits that do not qualify for international arbitration.
(Declaration, General Principle B.)
- C. Executive Order 12281 should be amended, or construed by regulation, so as not to nullify attachments or judgments levied in any litigation on Iranian assets other than funds, securities, and bank deposits after November 14, 1979, if such attachments or judgments could have been validly levied before November 14, 1979 (i.e., if they do not require reference to the Freeze Order or regulations thereunder for justification.) (Declaration, Paragraph 9.)
- D. Executive Order 12281 should be amended, or construed by regulation, so as not to nullify attachments or judgments levied by third parties on non-financial assets whose ownership by Iran is contested by a U.S. citizen.
- E. Executive Orders 12279, 12280, and 12281 should be amended, or construed by regulation, to provide that where a judgment is levied on an asset prior to its transfer to Iran, the asset is--to that extent--no longer an Iranian asset subject to the Executive Orders and regulations requiring transfer.

February 13, 1981
Page Three

III. Proposals Regarding Executive Orders and Regulations
Concerning Status of Lawsuits in United States Courts.

- A. No lawsuit should be stayed or dismissed until Iran asserts by way of defense therein that the claims involved are within the jurisdiction of the International Tribunal or the plaintiff voluntarily files a claim with that Tribunal--no litigation should be stayed or dismissed unless it is to be arbitrated by the Tribunal (Declaration, General Principle B), and the plaintiffs should be allowed maximum flexibility in deciding whether to file in the Tribunal.
- B. Upon acceptance of plaintiff's claim for arbitration by the International Tribunal, plaintiff's lawsuit should be stayed, not dismissed, pending actual payment of any award made by the Tribunal--the United States should not terminate any litigation until Iran has fulfilled its obligation to provide funds to satisfy all awards by the Tribunal.
- C. If the Tribunal declines jurisdiction over any claim filed with it, the stay should terminate and the litigation in the United States should proceed.
(Declaration, General Principle B.)

IV. Additional Executive Orders and Regulations Should Be
Circulated for Comment Prior to Adoption.

C. Stephen Howard
Charles B. Rosenberg

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~~SECRET~~

THE SECRETARY OF STATE
WASHINGTON

February 14, 1981

MEMORANDUM FOR: THE PRESIDENT

From: Alexander M. Haig, Jr.

Attached are two lengthy and extremely detailed analyses of the Iran Hostage Agreements.

The first is my personal memorandum to you requesting specific approval for the host of actions related to the Agreements.

The second is the agreed interdepartmental analysis, consistent with the first but even more lengthy and detailed. You may wish to limit yourself to the burdensome task of the first memo and, if questions arise, refer to the second.

There is some urgency in the matter because your staff believes there is advantage to initiating the public relations scenario in my basic memo before your economic speech. I concur with their views and recommend that we proceed with the scenario as outlined in my basic memo.

Attachments

1. Personal Memo
2. Agreed Interdepartmental Analysis

~~SECRET~~

RDS-3 2/14/2001

DECLASSIFIED

Dept. of State Guidelines, July 21, 1997

BY dv NARA, DATE 12/1/14

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166091 PAPER

14

ND

B1

IRAN HOSTAGE AGREEMENTS AND RELATED
ISSUES

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