

2005-0251

INTRODUCED BY: APRIL BLACK, COUNCILMAN, DISTRICT V

RESOLUTION NO. 5288

A resolution to request the assistance of the United States Congressional Delegation to support H. R. 3358, a bill to provide for payment of certain claims against the Government of Iran.

WHEREAS, on November 4, 1979, the Iranian militants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until their negotiated release on January 20, 1981; and,

WHEREAS, on January 19, 1981, the Department of State entered into a series of agreements with Iran that came to be known as the Algiers Accords. The Accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Accords, however, sought to preclude the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injuries; and,

WHEREAS, on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132); and,

WHEREAS, on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action; and,

WHEREAS, the Department of State moved to vacate the decision of the District Court, despite Iran's continued refusal to appear in court; and,

WHEREAS, in response to the motion to vacate by the Department of State, Congress amended the Antiterrorism and Effective Death Penalty Act of 1996 by adding language to allow the claim of the hostages to proceed to judgment. The accompanying Conference Report specifically stated that the amendment quashes the State Department's motion to vacate the judgment obtained by plaintiffs in Case Number 1:00CV03110 (ESG) in the United States District Court for the District of Columbia'; and,

WHEREAS, Congress further reaffirmed this view by enacting section 208 of division B of Public Law 107-117, making a technical correction to the case number; and,

WHEREAS, on May 12, 2003, during oral arguments, the United States Court of Appeals for the District of Columbia Circuit noted that the agreements reached pursuant to the Algiers Accords 'were at the point of a gun', and observed that the Court 'doubt[ed] that the Government of the United States would defend this agreement on the theory that we would have entered into this voluntarily without them holding onto our hostages'; and,

WHEREAS, on May 12, 2003, during oral arguments before the Court of Appeals, the attorneys representing the Department of Justice affirmed to the Court that 'both Congress and the President, both the political branches in other words, have the authority to abrogate the international obligations of the United States'; and,

WHEREAS, a St. Charles Parish citizen's father was among the 52 hostages held in Iran for the 444 days; this ordeal has had an enormous impact on the lives of her and her family.

NOW THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, do hereby request the assistance of Senator David Vitter, Senator Mary Landrieu, Representative Charlie Melancon, and Representative Bobby Jindal in supporting. H. R. 3358, a bill to provide for payment of certain claims against the Government of Iran.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor Kathleen Babineaux Blanco, Senator Joel T. Chaisson, II, Representative Gary L. Smith, Jr., Representative Ernest D. Wooton, Police Jury Association, and all Louisiana Parishes.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, WALLS, BLACK, DUHE, MINNICH

NAYS: NONE

ABSENT: FABRE

And the resolution was declared adopted this 15th day of August, 2005, to become effective five (5) days after publication in the Official Journal.

Request Assistance-HR 3358

CHAIRMAN:

SECRETARY:

DLVD/PARISH PRESIDENT:

APPROVED:

DISAPPROVED:

PARISH PRESIDENT:

RETD/SECRETARY:

AT: 2:10 pm

RECD BY: