

Iran, 11/79

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo	Jody Powell to HJ (1 p.)	11/9/79	C
memo	Al McDonald to ZB	11/30/79	C
memo	HJ to JC (*8 pp.) OPENED 3/12/97	n.d.	A
deptel	301857 OPENED 9/15/97	11/21/79	A
memo	Gary Sick to HJ (8 pp.) SANITIZED 3/13/00	11/21/79	A
memo	Iran (6 pp.) OPENED 9/15/97	11/13/79	A
memo	Rick Hutcheson to Civiletti (8 pp.) OPENED 3/12/97	11/9/79	A
memo	Sta Hizenstat to HJ OPENED 3/17/97	11/9/79	A
memo	HJ to JC (4 pp.) OPENED 3/12/97	11/8/79	A
draft	Iran (1 p.) 8 p. 3/17/97	n.d.	A
cable	from B.M. Webster (21 pp.)	11/30/79	A
memo	from Richard Lehman (19 pp.) OPENED 9/15/97	n.d.	A
cable	SANITIZED 9/17/97 Sec. State, Washington	11/23/79	A
cable	to White House	12/28/79	A

FILE LOCATION

Chief of Staff (Jordan)/Confidential File/~~Box 6 of 8 (org.)~~/Iran-NOV. 1979

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1118179

EYES ONLY

TO: PRESIDENT CARTER

FROM: HAMILTON JORDAN *HJ*

I know that you are pressed from all sides with free advice and ideas on the situation in Iran. I don't want to contribute to that problem, but need to state frankly my views to you.

There is no doubt that we will be ultimately judged on two fronts: what happens to the Americans and what we do after their release/murder to retaliate against Iran.

Having said that, we must also be in the correct public posture to minimize the public and political damage to your Presidency and our country's image in the world if we have a bad result and/or to maximize the benefit of a good result if the Americans are freed.

**Electrostatic Copy Made
for Preservation Purposes**

This gets to the question of your trip to Canada. The American people are frustrated at our country's inability to do anything to free the prisoners and retaliate in a fashion that makes us feel better about ourselves. There was a person-on-the-street interview this morning on NBC asking citizens what they would do. I found the individuals surprisingly sympathetic to the plight which faces you as to the rescue of the hostages. Having said this, there were a couple that wanted you to consider foolish things, i.e., send in the Marines.

We will never convince or satisfy the hawks on this question, but we don't need to lose the understanding and support of those who share your own frustration. I believe that if you leave for Canada tomorrow, you will be very vulnerable on two fronts.

First, you will be perceived as not taking the "crisis" that exists seriously. It makes no difference that you will only be an hour away by plane or that you have left Vance and Zbig or that you have good communications.

It will be perceived at the time of an international crisis involving the lives of American citizens, their President is traveling to a foreign country for a reason not obvious or relevant to them. At this point, you will seem irrelevant to the crisis. I realize that there is not much more that you could do if you were here, but the American people want to have a sense that you are on top of the situation, minding the store, exploring every possibility, etc.

An even worse possibility would be that violence is done to the hostages while you are in Canada. If that happens, you will be ravaged politically for being out of the country at the time of a major crisis. I would predict that it would cost you your re-election as President. Suppose the chances of this happening are 1 in 10. Should you have to take such a gamble?

An argument could be made that to cancel the trip would send a bad signal. I think that it would have to be made clear that you are staying merely to give this situation your complete and undivided attention. I don't see how

Joe Clark could fault you for delaying your trip to a later date.

Mr. President, this crisis is a crisis in every sense. It is a crisis for your PResidency, for the hostages and for our country's image around the world. I can see no good or valid reason for you to leave the country - even for 24 hours - while this is going on. Your trip to Canada will be perceived by the American people as largely ceremonial. Issues and problems will pop up here that will require your attention and thought. I don't see how you can justify your trip under these circumstances.

(CBS news last night devoted 55% of its coverage last night to Iran. The Today Show this morning spent the full first 20 minutes of its half hour on Iran).

If you even consider cancellation of the trip,
it should be done earlier instead of later.
I have not talked to the V.P. about this.
Possibly someone should.

RECOMMENDED MESSAGE TO BANI-SADR

1. Our continued objective is the quick and safe release of the American hostages.
2. That because they have not been released or even transferred to the protection of the government, we will announce today additional non-belligerent steps.
3. That because the hostages are being held in violation of international law, we have no choice but to take the steps necessary to redress our grievances.
4. That we are concerned about stories out of Iran saying that the hostages might be kept through the summer.
5. What is the schedule for the Parliament meeting?
6. How will the hostage situation be dealt with by the Parliament.
7. That we are concerned that the Parliament will impose conditions that the United States cannot and will not accept.
8. We would be willing to continue our informal dialogue through B. and V. in order to avoid a situation where the Parliament impose conditions that are unacceptable to the United States.
9. Is there any chance that there might be a release before the Parliament meets? A statement from Behesti implied that.
10. We would hope that the conditions of the hostages could be improved.
11. Beyond the present crisis, it is our hope to build a new relationship with Iran based on equality and mutual respect.

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

November 16 , 1979

FOR : HAMILTON JORDAN
JODY POWELL

FROM : AL MCDONALD *af*

SUBJECT : Food Exports to Iran

This is to follow up on our discussion at Senior Staff meeting this morning on whether the export of foodstuffs to Iran should be discontinued as a result of the present crisis. On this one, we should not listen to the farm groups or our patriots who advocate this is the next logical move since it would carry big economic, political and humanitarian prices for a long time to come.

Instead, I think the President should be up on top of this one by announcing on Monday that he has taken a decision that we will not embargo food to Iran.* He can take charge of this issue just as he did with his other actions by 1) congratulating the farm organizations who have advocated this course as being an appropriate expression of their willingness to sacrifice for our national common good, and 2) saying that he is touched and delighted by their willingness to stand up and offer for their own disadvantage steps they believe would accomplish our national purposes. He can indicate that we are all going to have to make these kinds of sacrifices, but that we must do them judiciously and in the areas which will affect the fundamental problem, which is our importation of too much foreign oil. He can reiterate as he did on Thursday that our meaningful sacrifices have to be aimed directly toward cutting down those oil imports.

He can also indicate that to be consistent with our fundamental principles, we would not want to do anything that would

- (a) make innocent people suffer for wrong decisions by their leaders;
- (b) create any anxiety among the many countries of the world who depend on us as a steady source of food supplies;
- (c) contribute in any way to conditions that could lead to mass starvation as we now see in Kampuchea.

*He would consider such an option under the most extreme circumstances.

In fact, our policy is just the opposite, to help human beings on an individual basis regardless of the politics of their leaders just as we are attempting to do in the Thai/Kampuchean refugee camps. This is simply another expression of our compassion as a people and we will not compromise our principles for short-term gain.

That is certainly sufficient for his public justification. For some Congressional leaders and others who might feel differently (e.g., Senator Byrd) we should give them the facts that

- (a) a shut-off of food by us might well deprive the hostages of sustenance;
- (b) in practical terms there are few direct food sales now, since most of these are handled through Middle Eastern agents (particularly in countries we do not want to alienate like Kuwait and Bahrain);
- (c) lastly, this would be a catastrophic trade mistake since we would be jeopardizing some \$35 billion in farm exports and could never regain our reputation as a reliable supplier. For the last six years we have been living under the shadow of the soybean embargo of 1973, and as you will recall, President Carter promised throughout his farmbelt speeches in 1976 that under no circumstances would he ever consider another embargo on farm products.

Just to test my thinking on this one, I asked the advice of D. W. Brooks who called me this morning on another matter. D. W. was even more emphatic that I have been, saying that such a move would boomerang within the agricultural community two to three weeks after the heat of the crisis had passed. He is concerned that the President would be forever more criticized as having been a foolish knee jerk decisionmaker who had clearly not evaluated the long term situation and the inevitable consequences of such an action.

I believe also we should not continue beyond Monday with our present posture of simply saying a food embargo is a live option we have not yet decided to exercise. That would give the impression it is still under serious consideration. I believe that if this posture continues much longer the President will look wishy-washy, indecisive and may very well tarnish some of the superb public feeling for his handling of this difficult situation. His leadership in my view would be even more enhanced if he takes this very sound decision while he still has the time to set the tone for its acceptance.

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MEMORANDUM

Subject: Fluor Corporation in Iran

Les Burgess of Fluor called around 10:00 am November 13 to report that all American employees of Fluor (32, he believed) left Isfahan by car at 9:00 am EST November 13, leaving five Fluor employees (2 Germans and 3 Canadians) in Isfahan. These five are to remain until their next payday about a week from now. Burgess said that Iran's oil "supervisor" Ali Moinfar participated in the November 12 meeting in Isfahan between NIOC and Fluor. The departure of the Fluor employees was accepted at this meeting.

The Fluor American employees are expected to arrive in Tehran around 3:00 pm EST (11:30 pm Tehran time).

Burgess said 5 Fluor Americans remained in Tehran - 3 employees and 2 wives.

Jim Dickson of Fluor called again at noon to confirm that Fluor's American employees are en route to Tehran. He said the two wives in Tehran have now departed, leaving in Tehran only the three Fluor employees-- Rogers, Graham and Parkard(?). He added that six Fluor Americans had left Tehran without difficulty on Tuesday morning. Dickson said he hopes all Fluor's remaining American personnel will have left Tehran within twelve hours.

Drafted: DPatterson:slr
11/13/79

John E. Becker
Senior Watch Officer

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GDS 11/13/85

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PER 622947 GDS 11/13/85
BY *[Signature]* NARS DATE 8/20/87

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DEPARTMENT OF STATE

Operations Center

Iran Working Group

Sitrep No. 21

Situation in Iran as of 1930 EST, November 12, 1979

Acting Foreign Minister Bani-Sadr had full attendance November 10 of the Tehran Diplomatic Corps, save the U.S. As anticipated, he called upon governments represented to consider the circumstances Iran faces and bring pressure on the USG to: (1) admit that the property and fortune of the Shah were stolen, (2) refrain from further intervention in Iranian affairs and (3) extradite the Shah so he can be judged by a court with all-international guarantees. Bani-Sadr devoted the bulk of the meeting to sketching a history of U.S. intervention and its current efforts to install Bakhtiar, attributing the occupation of the U.S. Embassy to this background. He did say Iran wished to continue relations with us.

Bani-Sadr's invitation for questions went unanswered. Swiss Ambassador Lang spoke out concerning respect for international law and humanitarian considerations, pointedly describing as illegal the invasion of an embassy and seizure of staff. He was applauded by his colleagues. The EC-9 Ambassadors reportedly considered this occasion inappropriate for their representation, in any event, and our talking points were not received in time.

Diplomatic demarches appear to be developing according to regional blocs, particularly since the Acting Dean of the Corps, the Czech, is balking at a Corps-wide representation. The Swiss, Danes, and Finns are planning a call on Ayatollah Behesti and will draw on our talking points.

Bani-Sadr responded positively to a Western ambassador's testing of the idea that U.N. Secretary-General Waldheim come to Tehran to assist in resolving the crisis. Bani-Sadr said he would consult the Revolutionary Council and reply by early November 13. Waldheim was alerted to the proposal.

The Algerian, French, Swedish and Syrian ambassadors hope to repeat on November 13 their November 10 visit to the hostages, this time with a doctor. No one visited the compound November 12.

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The level of Iranian rhetoric and magnitude of demonstrations at our Embassy increased November 12, in what Iranian spokesmen and students termed a reaction to U.S. economic sanctions and hostility. Bani-Sadr said that Iran's embassies were on a "State of Alert."

Despite this heating up of emotions at the compound, dramatized by the students' decision to fast for five days to show their commitment, we achieved some constructive communications with student captors. Twice on November 12 they accepted and agreed to deliver oral messages from dependents of hostages. We are hopeful this will turn into two-way traffic. Additionally, the students agreed to receive and deliver mail via the MFA to the hostages. Attempts to speak with hostages have thus far failed. Charge Laingen was today permitted a long telecon which included his family.

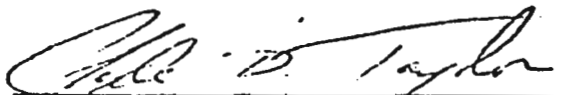
We and others in the U.S. have had communications with key Iranians who maintain firmly that they must have some concession on the Shah before release of the hostages. Nonetheless, they express humanitarian concerns for the hostages and, like Bani-Sadr, discount fears of harm to them.

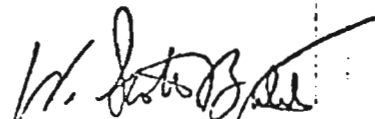
President Carter announced November 12 at 2 p.m. EST an order to discontinue purchasing any oil from Iran for delivery to this country, relying on section 232(b) of the Trade Expansion Act of 1962. Secretary Duncan will work with Congress, Governors and other government and industry leaders to develop additional measures to conserve oil and equitably distribute petroleum products with a minimum disruption of our nation's economy. Additionally, we will consult with our allies and other oil importing nations about further actions to reduce oil consumption and oil imports.

In Tehran, according to Reuters, the Revolutionary Council decided November 12 to cut all oil imports to the U.S. The caretaker Oil Minister Moinefar said that the decision was made before the Council learned of President Carter's decision to stop buying oil from Iran.

Americans in Iran continue to depart. Contacts with several in Tehran and indirectly through employers indicate a continuing ability to leave except in the case of Fluor employees, whose departure from the Isfahan refinery project

is resisted. Fluor reported that 14 Amcits have left and six in Tehran are scheduled out on November 13. 25 Amcits and 12 Third Country Nationals remain in Isfahan while efforts continue with NIOC to secure their departure. A few at the Community School in Tehran have left but 24 remain. We are strengthening our advice that all Americans leave.


Clyde Taylor
Iran Working Group


W.S. Butcher
Senior Watch Officer

LIST:

Sitrep No. 22

Situation in Iran as of 0500 EST, November 13, 1979

S/S
S/S-O(2)

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CDA

/MO(2)

/P

The Clark Mission is holding in Istanbul. A number of useful telephone contacts have been established but no breakthrough on travel to Iran appears imminent.

Tehran radio has broadcast a report indicating that the Revolutionary Council met yesterday evening to discuss the Embassy situation. According to remarks attributed to Ayatollah Behesti, a plan of Mr. Bani Sadr was put forward and approved by the Council and will shortly be formally announced by the Ministry of Foreign Affairs.

We do not have information on what the plan may contain. We are checking with Charge Laingen to see if details are available to him.

Sadeq Ghotbzadeh, a member of the Revolutionary Council, offered a public formulation on the hostage crisis which could represent some softening in Iran's stance. As reported by Reuters, Ghotbzadeh said that negotiations could begin if the U.S. made public statements on the Shah's criminality and on the establishment of an international team to investigate his alleged crimes.

Ali Agah, the Charge from the Iranian Embassy in Washington, is in Tehran where he is attempting to see Ayatollah Khomeini. The Charge has visited the U.S. Embassy and met with the students on the compound. Agah found the American hostages to be alright physically but in some mental distress.

The Mexican government issued a statement today indicating that it is temporarily closing its Embassy in Tehran because of the "situation prevailing in that country." The Mexican diplomats have all been evacuated from Iran.

In addition to efforts in the international and diplomatic arenas, we are stimulating approaches by

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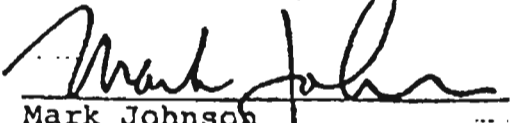
private Americans and Iranians in this country to influential Iranians in Tehran in an effort to generate movement on the hostages.

Foreign Ministry supervisor Bani Sadr has sent a message to Iranians appealing to them to accord friendly treatment to foreigners in accordance with their "lofty tradition." All Iranians were asked to take care so that no one may disturb the foreign residents' "feeling of security." Bani Sadr has also instructed Iranian Embassies overseas to actively counter media "lies" about the revolution. Bani Sadr has scheduled a press conference for November 14.

Ayatollah Behesti commented on the structure of the Revolutionary Council by noting that he was serving as the Council's "Secretary" and as the Council's representative on the reconstruction brigade. Ayatollah Rafsanjani has been appointed supervisor at the Ministry of Interior and Ali Moinfar will be a member of the Council in charge of oil.

As of 0430 EST, we have received no further reaction on the official Iranian position to President Carter's decision to discontinue the purchase of oil from Iran. A statement issued today by the Kharg Island oil workers indicates that oil liftings to the U.S. were stopped early on the morning of November 13. Charge Laingen has sent a telex applauding the President's and the country's resolve.

The Iran Working Group established contact with the students at the U.S. Embassy at 0430 EST. We were able to pass messages on behalf of nine families. In response to a question about the hostages themselves passing messages, our student interlocutor, "SH", said "maybe." We will pursue this. Our student contact questioned us closely about reports of deaths involving Iranians in the U.S. We were able to refute his charges but it was clear that this matter is being monitored very closely by the students on the compound.


Mark Johnson
Iran Working Group


Robert S. Steven
Senior Watch Officer

THE WHITE HOUSE

WASHINGTON

November 9, 1979

~~PERSONAL AND CONFIDENTIAL~~

MEMORANDUM FOR: HAM JORDAN
FROM: STU EIZENSTAT *Stu*
SUBJECT: Actions Toward Iran

Once the fate of the hostages has been determined, I feel strongly that -- whatever their fate -- we must take some action against Iran. That is the clear message that I have received, as I am sure everyone in the White House has, from calls of people around the country and from my talks with a number of Members of Congress. I do not know exactly what is being planned, but I would like to make three specific recommendations for the post-crisis period:

1. We should get DOE to review the implications of a possible decision that the United States would no longer purchase oil from Iran. Such an action would be the most visible sign to the rest of the world that we will never tolerate blackmail and that we are prepared to sacrifice in this country, rather than deal with governments such as Iran's.

Such a commitment would not necessarily -- but could possibly -- reduce our ability to obtain needed foreign oil. Because oil is fungible, we might be able to purchase additional oil from other oil-producing nations, or from consuming nations, who would decrease their purchases from their normal suppliers and increase their purchases of Iranian oil. Even if such a balancing system could not be arranged, I still think the American people would strongly support a ban on Iranian oil in this country. That is the clearest message I have received over the past several days from those who have called me. Yesterday, Congressman Fowler urged that the President take such action. And as unlikely a person as the Chairman of the Board of Gulf Oil, Jerry McAfee, mentioned such a possibility at our meeting with oil company executives.

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The details of how such a ban would be operated obviously need to be prepared. Further, all the economic and energy ramifications of such a ban need to be carefully thought through before a decision is made.

2. We should close down the Iranian Embassy in this country and require all of those attached to it to leave the country. This is, in some respects, a symbolic gesture, but it would speak eloquently to the American people and the rest of the world of the President's commitment to never again tolerate such action by a foreign country.
3. We should consider freezing the assets of the Iranian students illegally in this country. I understand from Lloyd Cutler that the legal authority to do this exists, and it is a far easier legal step to take than to order deportation. The effect of freezing assets would, in most cases, lead to a great many of the Iranian students leaving, for they would be unable to obtain the funds needed to continue living in this country.

THE U.S. STAKE IN IRAN

I. Introduction

The purpose of this paper is to analyze the U.S. stake in Iran from a broader perspective than that of our present concern with the hostages. In effect, it attempts to leap across the morass of negotiating tactics and turbulent Tehran politics to the situation a year hence, however the hostage situation is resolved. Its approach is: first, to define critical U.S. national interests in Iran as they now appear; second, to identify the range of possible Irans of, say, 1981; and third, to analyze each of these in terms of U.S. interests.

II. Assumptions

A. Khomeini's attempt to rule a semi-developed state of the late twentieth century by the standards of a tenth century theocracy will ultimately fail.

B. If there were ever any possibility of the U.S. doing business with the present regime, it has been destroyed in the past few weeks.

C. The Soviet Union's primary national goals are to strengthen itself and to weaken the U.S. It will exploit any opportunity open to it in the pursuit of these goals, restrained only by its calculations of risk. It is not in the interest of the United States to become, or to be perceived as becoming, weaker than the USSR.

III. U.S. National Interests

1. U.S. national interests in Iran are many and complex, but

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events of the past two years have served to clarify in the starkest way which of these can be termed vital. We have four critical national interests; two of them vital. These four are listed below in priority order:

A. It is vital to prevent the turbulence in Iran, or the outward drive of a Shiite state, from disrupting the flow of oil from the Western shore of the Gulf.

B. It is vital to deny Iranian oil to the Soviet Union and to keep Iran out of the Soviet sphere of influence.

C. It is critical to avoid serious confrontation with the USSR.

D. It is critical to keep Iranian oil flowing to the West.

In subsequent paragraphs, each of these goals is viewed in geo-political terms.

A. The Flow from the Gulf

2. The "quarantine" of Iran is ranked first because the loss to the West of the oil of the Arabian Peninsula and Iraq would threaten its collapse. The Iranian debacle can impact on the Gulf States in at least three ways:

-- Export of radicalism, either leftist or Muslim, leading to political instability. Production facilities would be subject to physical damage and export flows to political uncertainty.

-- A reinforcement of the growing tendency among

exporting states to see a reduction of production as the most desirable course in a period of short supply and unspendable national revenues.

-- Military interruption of oil flow from the Gulf by a power controlling the Straits of Hormuz. Such a power might be a resurgent Iran, the USSR, or conceivably Iraq if Iran became even weaker.

3. So far, the industrial economies of the West and Far East have proved remarkably resilient; they successfully weathered the crisis of 1973-74 both in energy supply and money flows and are managing reasonably well with the uncertainties of Iranian supply; they have come to understand their vulnerability and taken some tentative steps to reduce it. The non-oil LDC's have done less well and their ability to absorb an even greater shock is questionable.

4. Cessation of severe reduction of the oil flow from the Gulf, however, coupled inevitably with price rises on a scale hitherto unimaginable, would test and perhaps even break the resilience of the West. It would produce at the least severe depression and inflation. Turmoil in the LDC's would contribute by interrupting the supply of other commodities. In such a situation, the stability and orientation of major U.S. allies, and of the U.S. itself, could no longer be assumed. The USSR and its allies, with a basically autarchic economy, would be shielded from these effects. In simplest terms, the present world power equation, in which the military strength of the USSR is roughly balanced by the economic and technological strength of the West, would be fundamentally and perhaps irretrievably changed to the detriment of the West.

B. Denial to the USSR

5. Even without Iran, the power balance will be exceptionally delicate in the early to mid-1980s. In this period Soviet military strength will grow substantially relative to that of the U.S., an imbalance that will only be redressed when military programs now underway or under consideration come to fruition in the later years of the decade. On the other side of the scale, the USSR will be subject in roughly the same time-frame to increasing economic difficulty, most notably in the energy field. Petroleum production has peaked and will apparently begin to decline sharply. The Soviet economy, lacking the West's cushion of unnecessary consumption that can be conserved, can only maintain its present position by a combination of drastically reduced exports and purchases in the Western market. In fact, the Soviet leadership may be able to maintain its military power advantage only by accepting even greater economic and ideological disadvantages -- sacrifice of technology imports for imports of grain and petroleum, political turmoil in Eastern Europe, a reduced standard of living at home, all adding to a demonstration that the Soviet model for a modern state is a failure.

6. Moreover, the Soviet leadership itself is in a state of interregnum. The introverted cluster of old men surrounding the fading Brezhnev are jockeying among themselves to succeed him, but appear united in resistance to the admittance of younger and more vigorous men to their circle. Their behavior as a group, with or without Brezhnev, is likely to become increasingly erratic and unpredictable until power passes to the next generation, although it could lapse into paralysis. We know little of the policy views of the younger men, although some

analysts have suggested that they are impatient with the caution of their elders: the Soviet state has too long tolerated the pretensions of a declining West; it should take advantage of the power it has achieved and press more aggressively toward its national goals.

7. We are not sure how fully the Politburo yet understands its predicament. If the power balance is delicate without Iran, however, it will become even more so when the Soviet leaders recognize their situation and the possible role that Iran might play in it. To an old Soviet leadership that sees its achievements of decades past gravely threatened by a lack of petroleum, or to a younger one that sees its opportunities for the future equally threatened, the prospect of a chaotic Iran, its armed forces shattered and its allies alienated, may become tempting in the early 80's. Not only could Soviet energy shortages be alleviated, but the supply of foreign exchange could be assured. Moreover, in geo-political terms the Soviets would be in a position from Iran to dominate the Middle East and South Asia, and ultimately to deny Gulf oil to the West.

8. Either leadership would of course calculate the risks. They would be relatively small if a Marxist, preferably controlled Communist, regime could be brought to power in Tehran without overt Soviet intervention, but would appear much greater if military intervention were required. How much greater would in turn depend on Moscow's assessment of the "correlation of forces."

9. In that the Politburo members would see geography as on their side. Not only are their general purpose forces stronger than those of the U.S. (and any allies that might become involved), but their ability to project that power into Iran far exceeds that of the U.S.

Against this they would weigh the danger that a venture in Iran could not be confined to Iran and its neighbors but might escalate to nuclear confrontation. The critical factor for them would be the U.S. leadership. They clearly see the present one as weak and indecisive, but they do not fully understand the U.S. political process. To them the U.S. is unpredictable and especially dangerous in adversity, when it may react like a wounded animal. Both these considerations will be strongly operative in the election year 1980. Moreover, they may calculate that the administration that takes office in 1981 will have a mandate to restore U.S. military strength, although any actions it could take would not substantially effect the power balance for several years.

10. This is not an estimate that the Soviets will seize the Iranian oil fields. It is rather that the combination of the Soviet need for oil, the power vacuum in Iran, the "strategic window" of the early 80's, the perceived weakness of U.S. leadership, and the geographic advantages of the USSR make such an action a thinkable course either for an erratic older Soviet leadership or an aggressive younger one. The Politburo might come to see Iran as the schwerpunkt of the long Soviet struggle with the U.S. A successful Soviet operation in Iran, even if it did not lead to a cut-off of other Gulf oil, would affect the power balance almost as decisively as a long-term disruption of that supply.

C. Avoid Confrontation with the USSR

11. Controlling risks by avoiding confrontation is obviously a desirable goal for the U.S., but it ranks below those of protecting the other Gulf states and denying Iran to the Soviets. These are vital to the U.S. national interests in the long term. Indeed, they may only

be achievable by risking confrontation. That said, the arguments that make military action appear less risky for the USSR in the early 80's window are equally applicable to risk-taking by the U.S. Short of a direct threat to our vital interests, the risk of military confrontation with the USSR should be limited, particularly so on ground so disadvantageous as Iran.

D. Maintenance of Iranian Oil Flow to the West

12. Obviously, a substantial and dependable flow of Iranian oil would, at least in the short run, relieve pressure on the oil market and limit economic difficulties in the West. The market, however, has absorbed a considerable decrease in Iranian production and continuing uncertainties as to its future. A complete cut-off of exports would drive prices higher, slow Western growth and severely handicap the non-oil LDCs, but would be far less traumatic than the loss of oil from across the Gulf. Its loss has already to a certain extent been discounted in the West; supply will in the longer run decrease in any case.

IV. Interests of other Powers

13. It is as critical for the West Europeans and Japanese as it is for the U.S. that the flow of non-Iranian Gulf oil be sustained and that the world power balance not be seriously disturbed in favor of the Soviet Union. There is no question that these states recognize the importance of the flow, but some will believe that they can better protect themselves by bilateral than by multilateral action. Some will not see the balance as so seriously threatened, short of Soviet military operations in Iran. The greater weight they give to avoidance of US-Soviet confrontation will make it difficult to convince them of the

reality of the Soviet threat. As to Iranian oil flow, they are likely to view this and to seek ways to maintain it in bilateral, nationalistic ways, regardless of the position of the U.S.

14. The Middle Eastern states, and particularly those of the Gulf, are of course less concerned with the economic well-being of the West than of their own, but their interest in avoiding infection from Iran is as great as ours in protecting them from it. Some are concerned over the general US-USSR power balance (Saudi Arabia) but most (Iraq) would be more concerned over the clear and present danger of a Soviet-oriented Iran. They would fear a US-Soviet confrontation, if only because it might force them to choose sides between a USSR that was militarily stronger in the area and a West on which their economic well-being depends. Their attitude toward Iranian oil as opposed to Iranian politics will range from indifference to pleasure at the effect of its loss on a sellers' market.

15. China desperately needs a strong West to divide Soviet attention, but it sees the West as losing its will in the face of Soviet power. China may well believe it sees the dangers to Western interests in the Iranian situation more clearly than the West itself. It certainly will be more strident in pointing out those dangers. For Peking some degree of US-Soviet confrontation would be desirable, because it would have the effect of strengthening U.S. will and accelerating Western arms programs. In China's view Gulf oil, from Iran or elsewhere, is important only in that if it flows south it strengthens the West, but that if it flows north it both weakens the West and strengthens the USSR.

16. The non-oil LDC's outside the Middle East will be forced by their dependence on foreign sources of energy and the general weakness of their economies to view Iran in essentially opportunistic terms. They will want a maximum flow to keep prices down and their economies turning over, and they will deal with whoever can provide such a flow, if anyone can. This means they would prefer the status quo in the Gulf. If the status quo were disturbed, they would want to see stability restored by whatever power had the strength to do it, and if that power were Soviet they would not be overly concerned. In any case, they would see themselves, accurately, as having little influence over the course of events.

V. Possible Irans of 1981

17. There are at least six possible outcomes, each with infinite variations, for the present mess in Iran. In general terms, these are:

- Survival of Khomeini's primitive Moslem theocracy.
- Replacement of Khomeini, et al., by a radical nationalist regime.
- Replacement of Khomeini by a Soviet-oriented Communist or strongly Communist-influenced regime.
- Disintegration of Iran into a number of smaller ethnically-based entities, with or without partition or occupation by neighboring nations.
- Civil war, involving any of a number of combinations of antagonists, ethnic, political, and religious.

-- Emergence of a right or center-right regime backed by the military.

18. Any of these outcomes could lead to any other. In fact, by 1981 Iran could have seen all of them. The present state, and the anarchy into which it seems to be collapsing, is clearly a transitional phase. A civil war could lead to the emergence of a strong state of the left or right, to partition, or back to anarchy. The uncertainties are so great that there seems little purpose in speculating on the likely sequence of events, although it can be said that a leftist outcome appears the most probable and a rightist one the least. For the purpose of this paper, however, the important thing is not to determine what might produce a particular outcome or assess its probability, but rather to see how each might affect the U.S. national interests defined above.

A. Survival of the Khomeini Regime

19. At present the Khomeini government, while hardly in control, is effective enough to keep oil flowing and to maintain some semblance of a military force, but too weak to restore economic activity or contain ethnic separatism. The fall of the Shah has worried the Arab monarchies, the triumph of the Shia has excited their brethren across the Gulf, and the short-lived success of the left in reaching for power through a Shia alliance has sent ripples through the susceptible educated classes of the Gulf states, but the regime has so far been too weak to export its revolution, especially when the left-Muslim alliance has broken down, and the example it has set is hardly an attractive one for other Moslem states. Khomeini's foreign policy is almost as anti-Soviet as it is anti-US; there is virtually no prospect of the Ayatollah's acquiescing

in an extension of Soviet influence. Thus the two vital U.S. interests are not now directly threatened by the Khomeini regime. Moreover, there is no US-Soviet confrontation on the horizon and Iranian oil continues to flow south.

20. The situation is not static, however. It is most unlikely that the Islamic government can remain in its present state. It must either grow stronger, restoring its military strength and renewing its control over regional dissidents, or grow weaker, inviting anarchy and civil war. In the first case, its revolutionary fervor will be all the greater, and its influence will be felt along the Gulf through subversion and military threat. Its interest in the export of oil will be secondary to its interest in the export of revolution. In the second, and more likely, case its collapse will create chaos that will seem threatening to all its neighbors and an opportunity to some. Temptations to intervene and to annex will be great. In particular the Soviets might see an intervention "to restore order" as attractive; they would have lowered the risk by providing both a reasonable pretext and a way out. It might therefore be argued that a strong Islamic government would be less threatening to US interests than a weak one -- even a strong one might be unsuccessful in destabilizing the Gulf states -- but neither outcome could be viewed as favorable for the U.S.

21. The immediate successor government to Khomeini, if Iran remains intact and civil war does not break out, is most likely to be one representing a coalition of the home-grown radical nationalists who came to prominence in the Revolution and the more disciplines and less con-

spicuous Communist organization that has presumably been erected on a Tudeh foundation. A struggle for power will then ensue between the two factions. Its outcome will be difficult to predict, for the emotionalism and numbers of the former will be pitted against the discipline and Soviet support of the latter. If the nationalists win, their victory will be obvious. If the Communists win, their domination may be hidden, at least initially, behind a screen of nationalism and the movement of Iran into the Soviet sphere will be discreet and barely perceptible.

B. A Radical Nationalist Regime

22. Such a regime would probably have three important characteristics:

-- It is likely to be strong and grow stronger because it will have come to power by defeating Khomeini and the Communists and because it will probably have rallied the support of the urban elite.

-- Its orientation will be modern. Its leaders will see the Islamic republic as the anachronism that it is. They, and the educated classes that support them, will want to restore the economy and will see the need for modern armed forces. These goals in turn will require foreign exchange and a dependable export of oil.

-- It will be xenophobic. No home-grown Iranian government emerging from the present hysteria can be anything else. Its hostility will be stronger toward the U.S. than toward the West; it will be willing to do business with the West, but probably not initially with the

U.S. It will also be willing to do business with the

Soviets but will be deeply distrustful of them.

23. Such an Iran might resemble an Iraq that was not dependent on the USSR for arms, although this resemblance would not imply a sympathetic relationship between the two states. It would be likely to compete with Iraq for influence across the Gulf. Competition might create instability in the Gulf and threaten the oil flow, or the two states might effectively cancel each other out. Geography aside, such an Iran would not be a tempting opportunity for the Soviets any more than Iraq has been. Although it might be willing to export some oil northward, perhaps in return for arms, the foreign exchange -- and food -- it would need could come only from the West.

24. A radical nationalist Iran would present only a limited threat to oil supply from the Gulf. Like Iraq, it would be seriously concerned if its own exports were interrupted. Military action against an essentially leftist, though anti-Soviet, Iran with a strong and popularly-supported government would be an unattractive option for the Politburo, and the risk of US-Soviet confrontation would be relatively small. Thus this outcome, while far less favorable than the situation that prevailed in, say, 1975, offers a good chance of preserving vital U.S. interests in the region.

C. A Moscow-Oriented Regime

25. Should the Communist-nationalist struggle become overt and end in open defeat for the nationalists, the regime that emerged would be clearly identified with Moscow. It would differ from a nationalist left

government primarily in being narrowly based and therefore weaker, a condition the Soviets would seek to rectify as rapidly as possible.

They would be limited, however, as would their Iranian friends, by the xenophobia the revolution has unleashed. Indeed this Iran might be as much a prisoner of the revolution as the present one.

26. As the second Iran might be modeled on Iraq, the third might resemble Afghanistan. The Soviets might well find themselves shoring up an unpopular regime and seeking to control, with weak Iranian armed forces, a variety of ethnic, political, and religious dissidents. Only if they succeeded could they assure themselves a supply of oil, and this would probably require assistance on a scale equivalent to military intervention.

27. Successful establishment of a Soviet-oriented Iran would provide a base for extension of Soviet influence in, and ultimately denial of Western access to the Gulf states. It would provide the USSR with the oil and foreign exchange it needs. As such a solution would directly attack vital U.S. interests, confrontation would be unavoidable. While the flow of Iranian oil to the West would in the short run be in the interest of the regime, in the longer run it would be integrated into the petroleum economy of Eastern Europe. Subject to the demands of Soviet policy, however, a net, but smaller, flow to the West might continue.

28. If such an Iran were to "fail," that is, not to achieve a measure of popular support and reconstitute Iran as a unitary state, it could neither project its influence abroad nor reorient its petroleum economy northward. However, the existence of strong popular resistance

movements to a Soviet-oriented regime, on territory in which the U.S. has a vital interest, could well lead to confrontation. There could be no confidence that Iranian oil would flow to the West.

29. A most difficult situation for the U.S. would arise, however, if an ostensibly leftist-nationalist regime were coopted from within by Communist cadres. That this had happened might not be all obvious for many months and the movement of Iran into the Soviet sphere of influence might be very gradual. No clear break-point would ever be presented. Under such circumstances, U.S. initiatives would be hobbled by the ambiguity of the political situation and the international unpopularity of hostility toward a seemingly nationalist government.

30. This government would initially partake of the same strengths and weaknesses as a true nationalist one and its policies initially would be much the same, except in its greater willingness to accept assistance from the USSR. Internally, it would gradually become more authoritarian and more orthodox in its Marxism; it would rapidly reconstitute the armed forces and suppress separatism. While the achievement of Soviet goals would be slower, it would be surer.

D. Disintegration

31. Weakness in Tehran has already encouraged a resurgence of separatism, notably among the Kurds and Arabs. Similar tendencies undoubtedly exist among the Azerbaijani, Baluchi, and perhaps others; we are unclear how far these movements have coalesced. It is virtually certain, however, that separatism will grow in the absence of strength and will in Tehran.

32. After a certain point these movements will become independent rather than autonomous. They will seek, and will find, assistance from Iran's neighbors or from the West. Moscow will be quick to advance its interests. The Azerbaijani in particular will look to the USSR. The Kurds will accept arms from anyone, and Moscow is fully capable of sustaining a viable Kurdish independence movement in Iran. Others would look to Iraq, Saudi Arabia, Pakistan, the U.S. and the UK. The risk of civil war would be high, especially if those controlling Tehran considered themselves the government of a unitary state.

33. A divided Iran would of course be weak, and would not be a threat to its Gulf neighbors. It would, however, remain both vulnerable and tempting to a petroleum-thirsty Moscow, unless Khuzistan were in the hands of a government clearly guaranteed by the West (and/or Iraq?). On this, avoidance of confrontation would essentially depend. A functioning government in Khuzistan, whether oriented toward the West or Iraq, would presumably need to maintain the oil flow.

34. So divided, Iran would not threaten U.S. interests and its disintegration might advance them, but only if support to non-Communist elements were aggressively provided. Such an Iran would nevertheless be racked by instability and guerrilla war. It would be most difficult to maintain a stable partition and in the longer run centripetal forces might well overcome centrifugal ones.

E. Civil War

35. Civil war might in itself be desirable for the U.S., if it could be continued indefinitely, whatever the combination of forces.

Export of revolution would be improbable. While export of oil southward would be impaired or halted, export northward would be impossible.

Civil war could not be sustained indefinitely, however, and the survivor is likely to be the most ruthless party and the one most effectively supported from outside. Geography, predisposition, and the apparent absence of any effective pro-Western elements favor the Soviets. The support of moderate Arabs and Pakistan favor the West. Iranian xenophobia, factionalism, and general bloody-mindedness favor no one.

36. If civil war cannot be maintained indefinitely, it will lead to unpredictable and therefore dangerous outcomes. The requirement -- on all sides -- to intervene, to control, to avoid the more unpleasant consequences, will become overwhelming. It will lead to escalation and to confrontation in situations where neither U.S. nor USSR have full control of their surrogates. Victory for a Soviet-backed movement under such circumstances would be as dangerous as in the third case above. The new government would be strong and firmly based in at least part of the population, and it would have the will and the means to intimidate the rest. Civil war appears to provide both a greater opportunity to secure U.S. national interests and a greater danger that they may be irretrievably damaged.

F. A Rightist Regime

37. A right or center-right government, in the remote chance that it came to power, could command the support of a portion of the educated elite and what was left of the army. It would, however, be anathema to large segments of the body politic and would, even more than a Communist equivalent, be a prisoner of the revolution. It would have to be holier

than the Pope in its anti-US stance to have a chance for survival, thus alienating itself from its most essential source of support.

38. This Iran would want a stable Gulf and a constant flow of oil to the West, and would of course not be receptive to Soviet approaches. Whether it would be strong enough to achieve these goals and resist the Soviets is questionable. Unless it could rapidly broaden its base by achievement of a measure of prosperity -- an unlikely accomplishment -- it is likely to be unstable and short-lived. In effect, it too would represent a transition phase to something else. It is difficult to see how U.S. purposes could be served by such an interlude. Indeed, U.S. identification with or support for a weak rightist government, if it were accepted, would surely damage any chance of restoring a measure of influence in any subsequent Iran that might emerge.

VI. Conclusions

39. As long as Iran remains in chaos, it will be a source of political instability in the Middle East and uncontrollable economic fluctuation throughout the non-Communist world. As long as it remains weak, and Western attitudes are not defined, it will present temptation to a USSR that may well become desperate for energy. These statements, and the four U.S. national interests discussed above, suggest a policy for the U.S. once the hostage issue is behind us. First, define Western attitudes, lest the Soviet Union miscalculate. Second, take concrete steps with our allies to make this position credible. Third, take measures with them to shield the Gulf States from subversion and military action. Fourth, work toward a degree of strength and stability at least

in strategic areas of Iran. Fifth, prevent the extension of Soviet power and influence in these areas.

40. The discussion above suggests that among possible lines of development in Iran one, the extension of Soviet influence behind a shield of nationalism, offers a greater threat to U.S. interests than any other. Two, however, offer greater promise of protection for major U.S. interests than the others. These are: 1) emergence of a strong left-nationalist regime; 2) disintegration of Iran, leaving a relatively stable Khuzistan protected from Soviet influence. A choice as to which of these goals to pursue, and of the means to achieve it, is beyond the scope of this analysis.

CAMP DAVID

EYES ONLY

TO: PRESIDENT CARTER

FROM: HAMILTON JORDAN *HJ*

The longer the situation in Iran drags on, the more complex it seems and the more reluctant I am to try to offer advice. I lack a sure sense of what we should do as we weigh the lives of the hostages against several abstract principles against our country's interests after the present crisis is over. And although the principles involved are pre-eminent, they are also abstract and easily deferred in their application when the lives of 49 human beings are at stake.

Having established that I am not in a good position to offer advice, I do have some feelings in my gut that I wanted to pass on to you.

First, I agree strongly with your desire to bring this thing to a head. It seems to me that the passage of time makes the situation

CAMP DAVID

more difficult for everyone involved;

- The American people, who have been supportive to date, will soon begin to sour on the situation and we will see increased support for extreme measures from giving the Shah back to wiping Iran off the face of the earth;
- The passage of time will make it more difficult for you and Khomeini to find a satisfactory political solution to this problem;
- The passage of time increases the chance that the mobs will overrun the Embassy and do harm to the hostages and/or increases the chances that some of the students will take the situation into their own hands;
- The passage of time will take its toll on SALT II ratification; I do not believe that SALT II will be ratified unless we have a politically satisfactory resolution of this crisis; I know that SALT II will certainly not move ahead in the present atmosphere;
- The world community which presently supports us will begin to fall off given its heavy dependence on Mideast oil and their desire to avoid an international conflict;
- The crisis is taking a toll on your Presidency and your ability to lead; Politically, a protracted crisis will prevent you from doing the very minimal things that you need to do to win the Democratic nomination;

I don't have a sure sense of how it is done, but I would argue that there are many good reasons for trying to bring this thing to a head at the earliest possible date. Most of the Iranian/Moslem experts seem to agree that we should wait until after Ashura and the December 2nd Constitutional vote to take those steps. Again, this is a difficult decision, but at some point in time, you are going to

CAMP DAVID

have to take some risks and make some very difficult decisions, I believe that the risks and difficulty of those decisions will increase with the passage of time. (You should read the most recent cable from Langren if you have not already seen it.)

Secondly, I share your concern about the negotiations and the UN channel. I don't think that we have much choice but to try that approach, but I personally hope that it does not succeed. Despite our best efforts to explain and defend, I believe that we will be ^{politically} savaged for signing a document permitting a trial of the Shah by an international tribunal. Our participating in that exercise comes very close to violating the principles that we have adhered to throughout this crisis.

If those four principles are the basis for the safe release of our hostages, it will make it all the more important that we take some punitive steps against Iran. For the balance sheet will not be even, and the UN trial will be seized upon by our critics at home and abroad as evidence of our lack of strength and resolve.

CAMP DAVID

Review with me the results of this crisis precipitated by Iran:

- The national humiliation of our country and its ability to protect our diplomatic interests;
- The crisis has required actions on our part - Iranian oil embargo and the freezing of assets - that will work a very specific hardship on our people and has had some adverse impact on friendly nations (like Saudi Arabia).
- Emotional wear and tear on our people at the Embassy: I saw a "terror psychologist" on television last week who said that a good number of these people will have emotional problems for the balance of their lives because of the extreme strain on their emotions;
- I believe that Khomeini should be held indirectly responsible for the deaths of the two Americans in Pakistan; it was certainly the example of the Iranian Embassy that stimulated the Paks to overrun our embassy at Islamabad;
- If there is not a successful political solution to this crisis, SALT II will not be ratified, and the cost of not having a SALT relationship with the Soviets will work an additional hardship on our own country not to mention the great threat to the cause of world peace;

If we are ultimately successful in getting our people back via of the UN channel, the balance sheet will be far from even. I would argue that we have to do something that is measured and reasonable to meet domestic political pressures and to serve as a deterrent to others who might be tempted to test us in the months and years ahead.

CAMP DAVID

If and when we get our people back safely, there will be tremendous pressure for you to do nothing. People who urge us to do nothing will use the Soviet threat as a primary excuse. But, if after such an outrageous act directed against us by another country, we are compelled to sit silent and not retaliate, then perhaps we really have become a helpless giant.* There is certainly less respect at home and abroad^{THAN THERE SHOULD BE} for U.S. military and economic strength. We can certainly argue that our nation's cumulative strengths is greatly understated/~~UNDERESTIMATED~~ but at some point that perception becomes reality.

I believe that a measured punitive act is absolutely essential to your own re-election and to America's image in the world. I don't think that the break in diplomatic relations is particularly relevant to the American people and that economic measures are difficult to explain and/or appreciate.

*If we don't act in such a clear-cut example of international bad behavior, what would it take for our country to act?

CAMP DAVID

Thirdly, implied in all of this is the fact that we will probably not have good relations with Iran for some time to come. We will obviously have to be concerned about Soviet attitudes and actions in that area of the world, but we will have to accept the fact that it will probably be difficult to have good relations for some time to come. Even after Khomeini falls, his great legacy will probably be that he personally engendered an anti-American xenophobia that will **AMONG IRANIAN** remain for a long time to come. We certainly have to be concerned about Iran post-hostage and post-Khomeini, but we should be realistic about what that means. I sure that there are people in the middle class in Iran and persons with Western educations that deplore what Khomeini has done and is doing, but those people will be outnumbered by many times by the people whose religious zeal has resulted in a strong anti-American feeling.

I believe that some time soon you should spend several hours with the Iranian experts from State and CIA and talk about Iran post-hostage crisis. We have been focused almost exclusively on the day-to-day situation with the hostages and some of the decisions that you will have to make soon as relates to the hostages will have implications for us

CAMP DAVID

in terms of our long-term objectives in Iran,

Fourth, if possible and compatible with the best strategy for safely extracting the hostages, the application of one of the military options resulting in their release is much better than the application of the military options after their release. The best scenario would be that we exercise one of the military options and the hostages were then released. This would show American will and ability to act and would respond to the pressure for us to "punish" the Iranians for their actions. If we have to punish the Iranians after the release of the hostages (which I would strongly favor), world opinion might very well turn against us. At that point, I would say to hell with world opinion.

You know, Mr. President, it is difficult to be the richest kid on the block and also the most popular. As a people and as a nation, we desire to be loved and respected. As a result, we are neither. Looking at the great challenges which face our people in the future, it seems that at this point in time in our history it is much more important that our people have their self-respect and some respect from the international community. If we are not respected around

CAMP DAVID

world and at home, there is no chance for us to be loved.

We continue to face a grave situation in Iran where our Embassy has been seized and more than 60 of our citizens are held hostage.

We are using all available diplomatic channels to establish effective communication with Iranian authorities. These efforts to free the hostages will continue to have the highest priority.

We must also continue, as a nation, to exercise maximum restraint in our conduct. I have welcomed your strong support for such restraint. The lives of our people are at stake.

At the same time, I wish to emphasize the gravity of the issue. At stake here is the basic concern of every nation for the safety of its citizens abroad, the importance to every nation of preventing the use of hostages to obtain political goals, and the security of diplomatic personnel and property.

We will not allow our approach to be hobbled by any narrow concern over continuing oil supplies from Iran. To this end, I am ordering that we discontinue purchasing oil from Iran for importation into the United States. By doing so, we will remove any question of economic pressures from decisions about the basic issue of principles.

These events underscore the importance of our

efforts to reduce oil consumption and imports permanently. What is happening in Iran is dramatic proof of the need to get on with this task. We cannot maintain the integrity of our foreign policy, any more than we can assure the stability of our economy, unless we reduce our dependence on imported oil.

A renewed effort -- more belt tightening, more discipline, and more sacrifice -- will be required. To show our strength and independence, I am asking that every American and every American business adopt further measures to curtail the use of petroleum products. If every American passenger car is driven only two miles less per day, this would save 700,000 barrels per day -- which is what we now import from Iran.

I am today asking Secretary Duncan, other federal officials, state and local authorities, and industrial leaders to accelerate measures to conserve oil. In this new situation, they must also take steps to ensure fair allocation of petroleum products and a minimum of disruption of our normal usage.

These American measures must be part of an effective international effort. We will be consulting with our allies about further actions to this end.

difficult Test

America faces a severe ~~challenge~~. Our response will
measure
be a ~~test~~ of our character. I know that we shall not fail.

TALKING POINTS

1. I want to give you some advance notice about a decision that the President will be announcing today. The President has decided to discontinue U.S. purchases of Iranian oil for importation into this country effective today. He will be making that announcement at 2:00 p.m.
2. He has decided to take this action in order to dispel any idea that our resolve will be weakened by concern that Iran will cut off our supplies. He wants to make clear that concern for the hostages -- and our commitment to the principles of protecting Americans abroad and preventing the use of hostages to obtain political goals -- transcends any concern about Iranian oil supplies. By taking this action he expects to remove any question of economic pressures from decisions concerning the basic principles at stake.
3. We currently import about 750,000 barrels a day of Iranian oil, which is about 4% of our daily supply. We hope, through improved conservation, to avoid having to go into the spot market or use other foreign sources to make up that 750,000 barrel loss. We do not yet know to what extent increased conservation efforts can make up the full amount. (It could be made up entirely if everyone drove three to four miles less a day.) To the extent that we cannot make up the difference by increased conservation, we will probably have to purchase oil at somewhat higher prices.
4. We do not believe that this decision will adversely affect the situation of the hostages. This decision should be seen as an act of self-discipline on our part, not as a weapon or a threat to Iran. We are continuing to establish effective communication with Iranian authorities. The efforts to free the hostages will continue to have the highest priority.
5. I am sure you recognize the greatly increased importance of energy conservation. We hope you will use this opportunity to encourage your constituents to increase their conservation efforts.
6. Over the coming days, we will be consulting with Congress about additional conservation measures that might be appropriate to make up the loss of Iranian oil. We solicit your opinions.
7. Finally, we hope you will support the President's decision today and will continue to exercise restraint in your public statements on the hostages' situation.

THE WHITE HOUSE
WASHINGTON

November 7, 1979

MEMORANDUM FOR: HAMILTON JORDAN
FROM: MICHAEL CARDOZO *mtz*
SUBJECT: Iranian Student Demonstration

*Mike. Because of
a real threat to
the peace and
safety of demonstrators
and others, I
prefer that the
permits all be
denied*

*Jimmy
Carter*

The Muslim Students Association has obtained a parade permit from the Metropolitan Police Department and a park permit from the U.S. Park Police to parade and demonstrate from 10:00 a.m. to 6:00 p.m., November 8-11. Originally their plan had been to depart from the Capitol, march through downtown Washington past the National Press Building and the White House to the State Department, and return to Lafayette Park. Yesterday afternoon or early this morning the Capitol Police revoked the permit it had issued on the grounds of public safety. The march organizers have estimated that their numbers could reach 1,500, although police officials suspect it will be less. The organizers are trying to have the largest crowd on Friday. The march organizers have advised the police that the demonstrations will be anti-American in nature.

Our office is doing two things:

1) We have asked the Justice Department to assess whether or not courts in the District of Columbia would uphold revocation of the permits issued by the Metropolitan Police Department and the U.S. Park Police. The record indicates that it is extremely difficult to deny demonstration permits in the District of Columbia. The courts have argued that the appropriate response is not to revoke demonstration permits but to reinforce police surveillance and protection of demonstrators.

Iranian students are presently demonstrating against the Shah in New York. The courts will ask if we can prove that there is greater danger here than in New York; if we cannot, it is unlikely that revocation of permits would be upheld. If we revoke the permits and the students demonstrate anyway, we run the risk of having a great number of arrests made.

2) We are convening a meeting at 1:30 p.m. today with the appropriate representatives of the Metropolitan Police, U.S. Park Police, Capitol Police and the U.S. Secret Service at the White House to emphasize the need to prevent violence or any other incidents while the demonstrations take place. I will request that a representative of the NSC attend the meeting.

cc: Lloyd Cutler

November 8, 1979

Since the first word that our Embassy had been taken over in Tehran, the President, aided by his senior advisers, has been directing the efforts of our government to secure the safe release of our people.

We have been assured repeatedly that those being held have not been physically harmed. We expect those assurances to be observed.

The situation is extremely difficult and delicate. I am sure that all Americans understand that the efforts we are pursuing cannot take place in the glare of publicity. Let me assure you, however, that we are pursuing every avenue open to us to secure their safe and early release. Our actions will continue to be guided by that overriding objective.

Let me say, in particular, to the families of those being held in Tehran that we understand fully your anguish and we will continue to work around the clock to achieve their release.

We have announced our readiness to have the personal

representatives of the President go to Iran to discuss with the Iranian authorities the release of our Embassy people.

Many governments and others have been helping. We appreciate those efforts.

We need the continued support of the American people as we pursue these efforts. It is a time, not for rhetoric, but for quiet, careful and firm diplomacy.

In this situation, the United States has no higher obligation than to do all that it can to protect the lives of American citizens. We will honor that obligation.

THE WHITE HOUSE
WASHINGTON

Am
/

Personal

Mr. Clifford:

Sory I missed your call
last week, but got the
message thru Eleanor.

I conveyed your good
suggestion to the President
regarding the French role
and believe he pursued
the course you suggested.

Thanks for your continuing
help.

Regards.

Franklin D. Roosevelt

MEMORANDUM FROM CLARK CLIFFORD ~ HAMILTON JORDAN (BY PHONE)

November 9, 1979

I am dictating a brief memorandum to Eleanor by phone because I must leave my office at 11:00 to catch a plane for London.

The one country that Khomeini owes more to than any other is France. They gave him his only support and a home for a great many years and permitted him to conduct his affairs without hampering him while he was in the country and as a result he is deeply indebted to the French Government.

It is my belief that if we were to get in touch with D'Estang he could send his Foreign Minister to Iran and Khomeini would have to see him. I believe that if Khomeini were to release the hostages at the request of the French Government, that would permit Khomeini to save face with his own people because he would not be giving in to the United States but he would be doing it for the French who had been so important to Khomeini.

It is even possible that D'Estang would feel that this was an opportunity for him personally to refurbish his diminished standing in France and would want to take a personal hand in such a project.

In any event, I feel this worth passing on to you for your consideration.

CMC

Let me
write

THE WHITE HOUSE

WASHINGTON

09 Nov 79

Attorney General Civiletti

The attached was returned in
the President's outbox today
and is forwarded to you for
appropriate handling.

Rick Hutcheson

SENSITIVE

~~CONFIDENTIAL~~



SENSITIVE

Office of the Attorney General
Washington, D.C. 20530

~~CONFIDENTIAL~~
cc Ben
J

November 8, 1979

MEMORANDUM TO: The President
FROM: Benjamin R. Civiletti
Attorney General *B. Civiletti*
SUBJECT: Iranian Student Demonstrations

The following is a summary of the central constitutional and other legal principles relevant to the current and proposed demonstrations by Iranian students in the City of Washington. Principally due to the actions taken by the Nixon Administration to impede and interfere with anti-war demonstrations, this is an area of law as to which there has been a great deal of writing both by the Supreme Court and by the federal courts in the District of Columbia. The controlling considerations can be briefly articulated.

First, under our Constitution, persons in this country legally or illegally -- whether aliens, out-of-status students or others -- are entitled to the same First Amendment protections and rights as citizens. Thus, to whatever extent our Constitution confers rights to engage in marches, demonstrations, or speeches, those rights are available to citizens and non-citizens alike. Of course, courts will look at the particular circumstances in each case, and the identity, nationality, or other attributes of the individual demonstrators may in some cases be relevant in applying the controlling legal standards.

Second, as you well know, the First Amendment guarantees to all persons the right to "free speech," -- including the right to march or demonstrate. That right is not absolute. Courts have long recognized the power of the Government to regulate the time, place, and manner in which these activities are conducted. However, because the City of Washington is the seat of Government, and because there is special symbolism associated with the Capitol, White House and other federal facilities, the courts have recognized a special right to

SENSITIVE

assemble and to engage in speech here. Indeed, as a result of the cases that arose out of the Vietnam Veteran, May Day, Cambodian Incursion and other demonstrations during the Nixon Administration, the law with respect to the use of these particular facilities in this city is fully developed. Again, as you would expect, it establishes broad First Amendment rights to demonstrate here and imposes very strict limitations on the ability of the Government to regulate or interfere with Washington demonstrations.

Persons are legally entitled to receive permits to demonstrate at the Capitol, White House sidewalk, and Lafayette Park unless the Secretary of Interior and other appropriate officials determine that those demonstrations will occasion a "clear and present danger" to life, property, or order. On the basis of an affidavit from the Secretary of State outlining the potential harm to hostages, all permits have been denied or revoked. Therefore, this student group -- the Moslem Student Association -- has now no permission to demonstrate on these federal premises.

No one would question that the enormity of the possible consequences in this case would satisfy the "clear and present danger" standard: the "danger" could hardly be more clear. But the gravity of the possible injury is only one part of the equation. Because of the fundamental and essential nature of First Amendment rights in a free society, the cases require that there be a convincing showing that these extreme consequences will flow immediately, directly and necessarily from the demonstration. It is on this issue that our proof may be found lacking. On the basis of law enforcement assessments available at this time and those likely to be obtainable, it is difficult to make the case that the danger is indeed "present," i.e., that there is evidence of a direct, causal link between the proposed demonstrations and tragedy in Tehran. We can clearly show that if this demonstration ends in violence, there is serious risk of death in Tehran. However, we have no evidence or compelling reason to believe that violence will occur if the demonstration goes forward. To the contrary, the evidence available now suggests that these will be peaceful vigils and marches. Moreover, the District and Park police officials involved have all advised and would testify that they have a better opportunity to prevent violence if the demonstrators are marching with a permit in prescribed areas than if permits are denied and the demonstrators appear at random in the city.

SENSITIVE

Third, on the streets and on land other than federal property in the District of Columbia, persons have a Constitutional right to gather and speak, and no permit is required. The students now have a right to gather and walk from place-to-place or engage in vigils so long as they do not obstruct traffic. While it would be procedurally possible for the Government to go to court and seek to enjoin even these activities, the constitutional standard is extremely high for the issuance of such a prior restraint which the courts have analogized to a suspension of the First Amendment. The Government would have the burden of proving to the Court that the First Amendment activity poses a "grave, immediate, and irreparable" threat to the lives of our hostages in Tehran. As with the "clear and present danger" test, we have no question of our ability to persuade any court that the "harm" here is of the highest order, but again we have little basis for showing a court that the harm will flow "directly" and "immediately" from these student marches.

Such a Court injunction against all speeches and demonstrations to be issued in advance of the activity carries the heaviest burden, and requires the courts to apply standards that failed to satisfy the Supreme Court in cases such as the Pentagon Papers case where the showing of threat to life as well as the foreign relations of the United States was strong. Without evidence of the likelihood of confrontations or violence here by the participating demonstrators, it is highly unlikely that a court would grant a request for such an injunction. We know of no case in which a court has been willing to sustain an injunction as broadly applied as this one would need be.

Finally, these cases that have established the legal standards for demonstrations here in the District of Columbia have also become the vehicles for defining the civil liabilities of Federal Government officials. In a series of rather celebrated cases in the last few years, it has become established that law enforcement officers and their supervisors may be held personally accountable in money damages to persons who are prevented from exercising their speech rights. In order successfully to avoid a judgment of civil liability an official like the Secretary of Interior must be able to show that he had no basis for knowing that his action was outside the law. Stated differently, if an official "ought to know" that he is acting beyond the authority that the laws and the Constitution and the cases provide, he may be subjected to liability. Neither the fact that he is acting with the best of motives, nor that

SENSITIVE

he is carrying out an explicit direction from the President or anyone else, will shield him from possible personal liability. Each of the actions described above -- revoking permits, barring demonstrations, etc. -- carries with it this prospect, and each action must be assessed in light of the reasonableness of its legal basis.

In the final analysis the most difficult of the legal questions will be resolved not by the court in ruling on an injunction or on a civil suit against our officials. The most difficult questions are ultimately yours to make before any court actions are initiated. Because of your duty to take care that the laws be faithfully executed, and because of mine to aid you in that constitutional function, we have to decide whether the law empowers or forbids Government action. Of course, that judgment will not be made in a vacuum or on the basis of hypothetical circumstances. We have endeavored to assure ourselves that we have as much information as possible and that we have carefully considered the legal alternatives. Prepared in that fashion we should be in a position to make the difficult judgments should that be required.

*You can submit individual
issues or proposals to me
as required -*

J. C.

SENSITIVE

~~SECRET~~



Office of the Attorney General
Washington, D. C. 20530

November 8, 1979

Department of Justice Status
Report on Iran-Related Actions

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10

Demonstrations by Iranians

1. The permit to demonstrate in Lafayette Park issued to Iranian students by the Department of Interior has been revoked by the Secretary.
2. The Attorney General has asked Mayor Barry and the D.C. Chief of Police to attempt to dissuade Iranian students from demonstrating in the District of Columbia. As a second position, the Mayor and Chief of Police will try to negotiate an agreement for the demonstration by Iranian students to be confined to areas away from the White House, Capitol and Pennsylvania Avenue. The Mayor and the Chief have pledged to use their best efforts.
3. In the event persuasion fails, a motion for a temporary restraining order is being drafted which would ask the court to enjoin demonstrations near the White House, Capitol or on Pennsylvania on the theory that any violence arising from these demonstrations is very likely to cause immediate, direct harm to the American hostages held in Iran.
4. A broader request for an injunction which would prohibit demonstrations anywhere in the Capital of the United States is also being prepared.
5. A teletype has been sent to all United States Attorneys instructing them to ask local officials to give notice of all requests for demonstration permits by Iranians, and to ask local officials to limit demonstrations as much as they legally can.

~~SECRET~~

Classified by the Attorney General
Reason for Classification: Foreign Relations
Review for Declassification: 11/8/99

cc. Brzezinski,

DECLASSIFIED
E.O. 12958, Sec. 3.6
PER 9/3/96 NO MORE NARS NLC-92-156
BY [Signature] NARS DATE 1/29/97

6. An emergency modification of Department of Interior regulations is being prepared which would prohibit the issuance of a permit to Iranian students to demonstrate on property under the aegis of the Department of Interior unless approved by the Secretary. This emergency regulation would be effective for seven days and would suspend the regulation that requires action by Interior within twenty-four hours.

Current Deportation or Departure of Iranians

There are 1,037 current deportation proceedings against Iranian students in which orders to show cause have been issued and the cases are in various steps of the administrative process.

218 out-of-status Iranians have been deported or were granted voluntary departure in the last six months. In the same period 60,000 Iranians left the United States without the Government asking them to leave.

Prospective Deportation of Iranians

1. The Immigration and Naturalization Service is prepared to conduct an updated survey to identify out-of-status Iranian students presently in the United States for immediate institution of deportation proceedings under present law.

2. Memoranda of legal analyses of the authority to effect, and drafts of implementing regulations, orders or statutes are being prepared for the following:

- a. Summary revocation by Executive Order or a statute of all nonimmigrant visas of Iranian nationals, or any subset thereof.
- b. Abbreviation of the procedure required to deport out-of-status Iranians under the present law, or legislation to accelerate this process.
- c. Expulsion or detention of representatives of the Iranian Government presently in the United States.

3. The Immigration and Naturalization Service is preparing an estimate of the time it would take to expel a given number of Iranians if the deportation process can be accelerated and voluntary departure encouraged by institution of deportation proceedings.

4. Regional Directors of the Immigration and Naturalization Service have been instructed to ask local officials to detain

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- 3 -

arrested Iranian demonstrators until they are questioned by INS officials to determine whether or not they are subject to deportation proceedings.

THE WHITE HOUSE
WASHINGTON

November 9, 1979

File

MEMORANDUM FOR HAMILTON JORDAN

FROM: MICHAEL CARDOZO
JOE ONEK *jo*

SUBJECT: Iranian Student Demonstrations

We just wanted to bring you up to date on the legal situation.

1. Washington. The Capitol Police and Park Police have denied permits. However, demonstrators are permitted on federal property, such as McPherson Square, where no permits are required. Metropolitan Police have granted a permit, but the police and demonstrators have reached agreement on non-inflammatory demonstration routes.

2. The rest of the Nation. No permits are required for demonstrations on most federal property outside Washington. The issue has been raised whether we should now establish a permit requirement for all federal property, including GSA buildings. The potential problem is this: If we establish a permit requirement and freely grant permits, we will be countermanding the President's policy of not granting permits for federal property in Washington. If, on the other hand, we deny permits, there are dangers of confrontations and arrests. Not all Park Police and Federal Protective Service personnel (who guard GSA buildings) possess the sophistication of the Washington force. They may not be able to deal with demonstrators in a sensible manner. Furthermore, many of the GSA buildings are located in downtown urban areas. It might make more sense to allow the local Chief of Police to determine whether a demonstration is best held at the federal courthouse steps or at the steps of City Hall, rather than arbitrarily placing the courthouse steps off-limits.

3. Justice Department lawyers have indicated that if we wish to impose new permit requirements on federal property, we would probably have to do it across-the-board and not just with respect to Iranian demonstrators. This could open the Administration to charges of ignoring First Amendment values. (We don't want allegations that the President panicked in a crisis by ignoring the Constitution.)

4. Our recommendation, therefore, would be to leave the legal situation where it stands -- no permits where permits are required, but no effort to impose new permit requirements where none now exists. If the President wishes to adopt a different position, the Justice Department is preparing the necessary papers.

THE WHITE HOUSE
WASHINGTON

Nov. 19, 1979

TO: Hamilton Jordan

FROM: Frank Moore *FM*

f.y.i.

A handwritten signature, possibly "A. M.", is enclosed within a hand-drawn oval.

The Speaker's Rooms
U. S. House of Representatives
Washington, D. C. 20515

19 November 1979

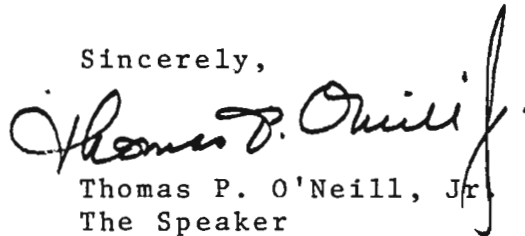
The President
The White House
Washington, D.C.

Dear Mr. President:

Attached is copy of House Concurrent
Resolution 212, introduced by Congressman
Lester Wolff and co-sponsored by 223 Members
of Congress.

I concur with this Resolution which calls
for the immediate termination of all participation
by Iranian personnel in United States programs of
military training.

Sincerely,

A handwritten signature in dark ink, reading "Thomas P. O'Neill, Jr.", with a stylized flourish at the end.

Thomas P. O'Neill, Jr.
The Speaker

TPO/ek

IN THE HOUSE OF REPRESENTATIVES

Mr. WOLFF submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the President should terminate immediately all participation by Iranian personnel in United States programs of military training.

Whereas the leaders of Iran have approved and condoned the seizure of the United States embassy in Tehran, thus contravening the obligations of the Iranian government under international law to protect the inviolability of diplomatic missions and personnel;

Whereas the leaders of Iran have approved and condoned an act of international terrorism by sanctioning the illegal detention of United States citizens as hostages;

Whereas the leaders of Iran are attempting to blackmail the United States by threatening the lives of United States citizens and demanding certain actions by the United States in return for the safety of those United States citizens;

Whereas the leaders of Iran have violated international law and United States sovereignty, and have breached the bounds of human decency; and

Whereas it is the primary responsibility of any sovereign nation to protect the lives of its citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should terminate immediately all military training of Iranian personnel pursuant to sales under the Arms Export Control Act.

Mr. Abdnor	Mr. Harkin	Mrs. Spellman
Mr. Addabbo	Mrs. Heckler	Mr. Spence
Mr. Akaka	Mr. Holland	Mr. Staggers
Mr. Albosta	Mr. Howard	Mr. Stangeland
Mr. Ambro	Mr. Ireland	Mr. Stark
Mr. Annunzio	Mr. Jenrette	Mr. Stokes
Mr. Anthony	Mr. James Johnson	Mr. Stratton
Mr. Applegate	Mr. Kazen	Mr. Symms
Mr. Ashbrook	Mr. Kogovsek	Mr. Taylor
Mr. Badham	Mr. Kramer	Mr. Van Deerlin
Mr. Bafalis	Mr. Lagomarsino	Mr. Volkmer
Mr. Bailey	Mr. Lederer	Mr. Weaver
Mr. Bauman	Mr. Lehman	Mr. Whitehurst
Mr. Robin L. Beard (Tenn.)	Mr. Leland	Mr. Pat Williams
Mr. Edward Beard (R.I.)	Mr. Lent	Mr. Charles Wilson(TX)
Mr. Bedell	Mr. Livingston	Mr. Winn
Mr. Benjamin	Mr. Clarence Long	Mr. Wolpe
Mr. Bevill	Mr. Lott	Mr. Wyatt
Mr. Biaggi	Mr. Luken	Mr. Bill Young
Mrs. Boggs	Mr. Lungren	Mr. Don Young
Mr. Bonier	Mr. McDonald	Mr. Zeferetti
Mr. Bowen	Mr. McEwen	
Mr. Brademas	Mr. Markey	Mr. Corcoran
Mr. Brooks	Mr. Marks	Mr. Corman
Mr. Broomfield	Mr. Matsui	Mr. D'Amours
Mr. George Brown	Mr. Mica	Mr. Dan Daniel
Mr. Burgener	Mr. Michel	Mr. Danielson
Mr. John Burton	Mrs. Mikulski	Mr. Dannemeyer
Mr. Carney	Mr. Mineta	Mr. Devine
Mr. Carter	Mr. Minish	Mr. Dickinson
Mr. Cavanaugh	Mr. Parren Mitchell	Mr. Dodd
Mr. Clausen	Mr. Moakley	Mr. Downey
Mrs. Collins	Mr. Montgomery	Mr. English
Mr. Conable	Mr. Moore	Mr. Erdahl
Mr. Conyers	Mr. Carlos Moorhead	Mr. Evans
Mr. Dellums	Mr. Mottl	Mr. Fithian
Mr. Donnelly	Mr. John Murphy	Mr. Giaimo
Mr. Dornan	Mr. Morgan Murphy	Mr. Goldwater
Mr. Drinan	Mr. Murtha	Mr. Goodling
Mr. Robert Duncan	Mr. John Myers	Mr. Gramm
Mr. Edgar	Mr. Nichols	Mr. Grisham
Mr. Mickey Edwards	Mr. Oberstar	Mr. Hansen
Mr. Billy Lee Evans	Mr. Pannetta	Mr. Hollenbeck
Mr. Fary	Mr. Patten	Mrs. Holt
Ms. Ferraro	Mr. Pepper	Mr. Horton
Mr. Fish	Mr. Peyser	Mr. Hughes
Mr. Fisher	Mr. Price	Mr. Hyde
Mr. Harold Ford	Mr. Pritchard	Mr. Jacobs
Mr. William Ford	Mr. Railsback	Mr. Jeffries
Mr. Forsythe	Mr. Rangel	Mr. Harold T. Johnson(Calif)
Mr. Fountain	Mr. Rhodes	Mr. Kemp
Mr. Frost	Mr. Richmond	Mr. LaFalce
Mr. Fuqua	Mr. Rinaldo	Mr. Latta
Mr. Garcia	Mr. Ritter	Mr. Leach
Mr. Gaydos	Mr. Roberts	Mr. Loeffler
Mr. Gilman	Mr. Robinson	Mr. Gillis Long
Mr. Glickman	Mr. Roe	Mr. McDade
Mr. Gonzalez	Mr. Rosenthal	Mr. McHugh
Mr. Grassley	Mr. Rousselot	Mr. McKay
Mr. Gray	Mr. Rudd	Mr. Mathis
Mr. Guarini	Mr. Sabo	Mr. Clarence Miller(Ohio)
Mr. Gudger	Mr. Scheuer	Mr. Donald J. Mitchell
Mr. Guyer	Mr. Seiberling	Mr. William S. Moorhead
Mr. Sam Hall	Mr. Shannon	Mr. Austin J. Murphy
Mr. Tony Hall	Mr. Shelby	Mr. Natcher
Mr. Hammerschmidt	Mr. Skelton	Mr. Nelson
Mr. Hance	Mrs. Snowe	Mr. O'Brien
Mr. Hanley	Mr. Solomon	Mr. Pursell
		Mr. Quayle
Mr. Quillen	Mr. Ratchford	Mr. Rose
Mr. Roth	Mr. Sharp	Mr. Shumway
Mr. Slack	Mrs. Smith(Nebr.)	Mr. Snyder
Mr. Solarz	Mr. Stack	Mr. Stenholm
Mr. Stewart	Mr. Walgren	Mr. Weiss
Mr. Whittaker	Mr. Wirth	Mr. Wydler
Mr. Yatron		Mr. Runnels

2: Item
F-7.1.

THE WHITE HOUSE
WASHINGTON

November 20, 1979

MEMORANDUM FOR FRANK MOORE

FROM: DAN TATE

SUBJECT: Statements on Situation in Iran

Obviously, there are events and Presidential options of which I am not aware with respect to the Iran situation. Nevertheless, I offer some observations and suggestions for your consideration.

As of this morning, some thirteen hostages have been released and the fate of the others is uncertain. I am sure that the President and his designated spokesmen will say nothing that will jeopardize them in any way. They have thus far been circumspect when that was called for.

In many respects the situation is entering the most delicate political stage (I will not deal with the non-political aspects since I am not in a position to know the options available to the President) we have seen. It is delicate because at some point the President is going to be under tremendous pressure to "do something" to vindicate America. The most important goal is the release of the hostages. Assuming that goal is achieved, as that is a major assumption and one not taken lightly by me, there will be a clamor for action by the President. Will he cut off diplomatic relations? Will he impose a food embargo against the Iranians? Will he take military action of some kind?

I have no suggestions as to the proper course of action, but do urgently suggest that in the intervening period, neither he nor his spokesmen should say anything that makes any option untenable -- from the lightest diplomatic slap on the wrist to far more severe steps. Our post-release response must be measured and politically "safe" and by that I mean we should not prepare the American public for stronger action than we eventually chose to take. There is a greater danger in leading them to believe that "bold" steps will be taken than there is in leading them to believe that we will take "proper" steps.

All of this is to say that we must carefully watch our rhetoric despite the great temptation to vent our frustrations and to make political headway right now. I for one feel we should continue to be circumspect.

THE WHITE HOUSE

WASHINGTON

November 19, 1979



MEMORANDUM FOR THE SENIOR STAFF

FROM: LLOYD CUTLER
JOE ONEK *JO*

SUBJECT: IRANIAN-RELATED LITIGATION

There are several pending or planned legal challenges to the Administration's efforts to limit demonstrations concerning Iran and to deport illegal aliens from Iran. Here is a brief summary of the Administration's legal position on these issues. We recommend, however, that you make no statement on these issues without clearing it with either the Counsel's Office or the Justice Department.

1. Demonstrations. The Administration is deeply concerned that a demonstration may lead to a violent incident which when televised in Teheran will trigger violent actions by the captors. Demonstrations near the White House are particularly dangerous because (a) they are so extensively covered by the media and (b) an incident there -- e.g., an arrest of an Iranian student -- might be more likely to inflame the Teheran captors than similar incidents elsewhere. Courts have traditionally held that there can be reasonable limitations on the "time, place and manner" of demonstrations. The Administration contends that because of the "clear and present danger" to the hostages there should be a prohibition on demonstrations near the White House. This position was essentially upheld today by the Court of Appeals.

2. Deportations. The United States, of course, has the right to deport illegal aliens. The legal issue raised by the Administration's action is whether the stepped-up procedures for the identification and deportation of the Iranian students, as opposed to all other illegal aliens, constitutes an "invidious discrimination." The Administration

believes that, given the current crisis in Iran, its action is entirely appropriate. In the next several weeks the measures taken by the Teheran captors or countermeasures taken by the United States could lead to violent confrontations between Americans and Iranians in this country. The government will take all measures necessary to protect both Iranian nationals and Americans. The government's task will be easier, however, if the numbers of Iranians in the country are reduced by the identification and deportation of illegal aliens.

It is uncontested that, because of the crisis in Iran, the government could bar the entry of all Iranian aliens even though it did not bar the entry of, for example, Latin American or Canadian aliens. Similarly, the government can speed up the identification and deportation of Iranian illegal aliens without speeding up identification and deportation of all other illegal aliens.



National
Foreign
Assessment
Center

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980/44 CIA NLC-97-13
1/13/00

Iran: The Meaning of Moharram

An Intelligence Memorandum

Confidential

Page 11 of 15
November 1997

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National Security
Information

Unauthorized Disclosure
Subject to Criminal Sanctions

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Derivative classification by [REDACTED]
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All material on this page is unclassified.

Iran: The Meaning of Moharram

Summary

The Muslim month of mourning in Iran, Moharram—which starts on 21 November this year—is the first month of the Islamic calendar year and commemorates the death in the seventh century A.D. of one of Shia Islam's most revered founders. The emotion evoked yearly by that 1,300-year-old event is unmatched in the Islamic world.

In Iran the ceremonies connected with Moharram have often been used to express political opposition. The xenophobic emotions generated by Moharram contributed last year to the ouster of the Shah. This year the same forces are likely to focus on political hostility toward the United States.

This memorandum was prepared by [REDACTED] Iran Task Force, Office of Political Analysis. It has been coordinated with the National Intelligence Officer for Near East-South Asia. Research was completed on 19 November 1979. Comments may be addressed to the Iran Task Force Chief, Office of Political Analysis, [REDACTED]

Iran: The Meaning of Moharram

Historical Setting

On 1 October 680 A.D., which was the first day of the month of Moharram and 46 years after the death of Mohammad, two Arab Muslim armies faced each other on the west bank of the Euphrates River at the Kerbala plain south of present-day Baghdad. The two forces were poorly matched. On the one side were 4,000 men of the forces of Yazid, Caliph of Islam in Damascus, and on the other some two hundred followers (in Arabic, Shia) of Hossein, grandson of Mohammad, who disputed Yazid's claim to be Caliph and considered himself the rightful successor of the Prophet.

Hossein was surrounded and for 10 days occasional skirmishes alternated with periods of negotiation. On the 10th day Yazid's forces opened an all-out attack and the battle went on until late in the afternoon. Finally, with all his followers dead, Hossein dashed into the midst of his enemies. The final blow was dealt by Shimar, according to Shia tradition, which also records that Hossein's body bore 23 spear wounds and 34 from swords. Hossein's head was cut off and his body trampled in the dust by Yazid's horsemen. The Shia believe that the head, which was initially sent to Yazid, subsequently was returned to Kerbala and is buried there in Hossein's shrine.

This event—the Tragedy at Kerbala the Shiites call it—is at the center of the Moharram mourning period. For centuries the yearly reenactment of the death of Hossein at the hands of Yazid (although he was not present) and Shimar has aroused intense emotion among all classes throughout the country. The occasion has often been used to voice veiled political comment; a sermon by Ayatollah Khomeini in 1963, in which he explicitly compared the Shah to the tyrant Yazid, was a major factor in the Ayatollah's exile.

The Ceremonies

The mourning ceremonies occur in several forms: recitations of the story of Hossein in the mosque combined with a sermon, recitations in private homes, dramatic presentations in public, and parades. Whatever the form, the intention is to incite the participants to a frenzy of weeping, wailing, flagellations, and beatings. If their tears are mingled with blood, the participants gain even greater merit.

Descriptions of actual occurrences best give a feel for the occasion. In Tehran as many as 3,000 worshippers, mostly men, may be gathered in a large bazaar mosque. Around the mosque for many blocks crowds are

gathered so tightly that movement is barely possible. The crowd consists mainly of paraders who are just forming up or who have ended a parade at the mosque.

Inside the mosque several mullahs in succession preach sermons on the Hossein theme. As each speaker reaches the climax of the story, weeping and wailing increases. Finally, the main speaker begins. He starts with a sermon dwelling on the virtues and suffering of the family of Ali and then begins the chanting of the Hossein narrative. Again, as the story reaches its climax, the decapitation of Hossein, the weeping and groaning increases in volume and many begin to pound their foreheads and beat their chests. Finally, the sermon ends and the crowd begins to subside. Some may remain at the mosque all day listening to repetitions of the narrative, others may join one of the many parades that are being held and still others may go to other mosques or private homes for further commemoration ceremonies.

The public parades, which go on throughout the first 10 days of Moharram, are basically the same whether they occur in Tehran with thousands of participants or in a small village with only a dozen.

The parades are arranged by a group specifically organized for that purpose and usually represent a district, a neighborhood, or the members of a mosque. Often this group—called a *dasteh*—meets year round, not only to plan for the ceremonies but also as a social-religious group that studies the Koran, listens to recitations of the Hossein story and discusses politics. A parade is often preceded by a meal sponsored by someone in the district to which are invited the members of the *dasteh*, prominent people, and the poor. After the meal the leader of the *dasteh* begins chanting a lament in verse accompanied by rhythmical beating of the chest. The parade then moves outside and through the streets preceded and followed by black banners and stopping at each mosque or shrine in the area. This may go on all day and far into the night.

On Ashura, the 10th day of Moharram and the day on which Hossein and his family were murdered, the major ceremonies take place. The parades begin to form up at sunrise. The breast beating resumes and the parade moves through the streets to a central square where several *dastehs* may be gathered. All join in a final breast beating; a mullah seated on a raised platform then recites the Hossein story. Following the recitation the symbols are brought out: black and green standards and the centerpiece, the *nakhl*. This is a sort of sedan chair, so large that 40 or 50 men may be required to carry it on their shoulders, representing the vehicle in which Hossein and his relatives were carried to the final battle at Kerbala. The bearers enter the

square at a trot, turning around twice as they enter. They circle the assembled *dastehs* three times and then settle down on the fringes of the crowd. The combined *dastehs* form themselves into large circles and, under the leadership of a chanter in the center, breast beating again begins and the whole circle moves one step to the right with each beat. Finally, at a drum signal, this part of the ceremony ends and the depiction on stage of the tragedy at Kerbala begins.

The drama, which may go on for several hours, recounts a story that is well known to all those watching but it never fails to excite the most intense emotion. Moharram parades were once marked not only by beating the chest and forehead but also by flagellation and slashing with knives. These practices were suppressed by the government starting in 1928 but have occurred occasionally since then. Given the present state of religious tension it would not be surprising to see a resurgence of the more bloody aspects of the traditional celebration.

Political Symbolism

Although the Moharram events deal with an occurrence 13 centuries old, they frequently have been used as a vehicle to attack whatever regime was in power, as well as to voice antiforeign sentiments. Last year the Shah fell from power in the closing days of Moharram. This year the sermons will doubtless focus on the United States, and the extreme emotionalism surrounding Moharram will only add fuel to an already highly volatile situation in Tehran. Anti-American sentiment is running high, and if the United States is singled out for vituperation—as is likely—it may further complicate efforts to gain the release of the US Embassy hostages. In any event, the Moharram celebrations will certainly be used by Khomeini to revitalize mass support in Iran for his regime.

~~All of the above information is classified Confidential.~~



Hamilton Jordan

OP IMMED
 DE RUEHC #1857 3250749
 O 210307Z NOV 79
 FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS IMMEDIATE
 INFO AMCONSUL FRANKFURT IMMEDIATE 2395

~~SECRET~~ STATE 301857

EXDIS FOR UNDER SECRETARY DAVID NEESOM
 F.O. 12065: RDS-1, 11/20/99 (PRECHT, HENRY)

TAGS: US, IR, PINS

SUBJECT: HOSTAGES IN TEHRAN

1. (S - ENTIRE TEXT)

2. THE THIRTEEN HOSTAGES WHO HAVE BEEN RELEASED HAVE GENERALLY COMMENTED TO THE PRESS THAT THEY WERE NOT MISTREATED DURING THEIR CAPTIVITY. IT IS CLEAR FROM THE REMARKS OF THESE PERSONS THAT THEY ARE VERY CONCERNED NOT TO SAY ANYTHING THAT WOULD RESULT IN HARM TO THOSE WHO REMAIN IN DETENTION. WE HAVE NOT HAD A CHANCE TO TALK WITH THE FORMER HOSTAGES IN ANY DETAIL BUT AT THIS STAGE WE HAVE A GOOD PICTURE OF HOW THEY WERE TREATED DURING TWO WEEKS OF DETENTION. THE FOLLOWING POINTS SUMMARIZE THE CONDITION OF THE HOSTAGES FOR YOUR CONTINUING USE IN DISCUSSIONS WITH HOST GOVERNMENT OFFICIALS:

--ALL OF THE HOSTAGES WERE REQUIRED TO REMAIN ALMOST TOTALLY SILENT DURING THE TWO WEEKS OF CAPTIVITY. THEY WERE NOT ALLOWED TO CONVERSE WITH EACH OTHER OR WITH THEIR GUARDS. ANY SMALL INFRACTION OF THE RULE COULD RESULT IN THEIR BEING REQUIRED TO FACE THE WALL FOR AN EXTENDED PERIOD OF TIME. THE RELEASEES HAVE COMMENTED THAT PROLONGED SILENCE WAS VERY HARD TO TAKE.

--ALTHOUGH SOME OF THE HOSTAGES WERE BOUND ONLY DURING THE INITIAL PERIOD, OTHERS REMAINED BOUND HAND AND FOOT

*****WESR COMMENT*****

GATES DENEND DLG SICK
 FOB:RENT,HUNT

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 PAGE 01

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BY

NARS. DATE

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THROUGHOUT THE FULL PERIOD OF THEIR DETENTION. THEY WERE REQUIRED TO REMAIN SEATED ALL DAY AND WERE PERMITTED NO EXERCISE.

--THE HOSTAGES WERE NOT PHYSICALLY MISTREATED, BUT PLAINLY THERE WAS A SYSTEMATIC EFFORT TO BREAK THEM DOWN EMOTIONALLY. THEY WERE PERMITTED NO NEWS FROM THE OUTSIDE WORLD AND WERE ENCOURAGED TO BELIEVE THAT THEY HAD BEEN ABANDONED BY THE U.S., THAT "NO ONE CARES."

--ALTHOUGH THE STUDENTS HAVE ACCEPTED ORAL MESSAGES FROM DEPENDENTS BY TELEPHONE FOR SEVERAL DAYS WITH THE PROMISE THAT THEY WOULD BE DELIVERED TO INDIVIDUAL HOSTAGES, THIS WAS NEVER DONE.

--THE HOSTAGES RECEIVED NO MAIL DURING THIS PERIOD.

--TO OUR KNOWLEDGE NO OUTSIDE VISITOR HAS SEEN THE HOSTAGES IN ABOUT ONE WEEK. WE ARE TOLD BY THE STUDENTS THAT A DOCTOR HAS VISITED THE HOSTAGES BUT WE HAVE NO WAY OF CONFIRMING THIS. A RED CROSS REPRESENTATIVE WHO VISITED THE COMPOUND WAS ONLY ALLOWED TO SEE THE THREE HOSTAGES WHO WERE RELEASED ON THE FIRST DAY.

3. IN OUR JUDGMENT, THE CONTINUED CONFINEMENT UNDER THE FOREGOING CONDITIONS OF FIFTY AMERICANS, AND AN UNKNOWN NUMBER OF FOREIGNERS, IS CRUEL TREATMENT THAT DESERVES CONDEMNATION BY ALL CIVILIZED GROUPS. WE ARE PROVIDING THIS INFORMATION FOR BACKGROUND USE WITH GOVERNMENT OFFICIALS AND DO NOT WISE ANY STATEMENTS THAT ARE RELEASED BY THEM TO BE ATTRIBUTED TO THE RELEASED HOSTAGES. NEVERTHELESS, WE HOPE THAT THE GOVERNMENTS WHO RECEIVE THIS INFORMATION WILL RESPOND WITH STRONG PUBLIC STATEMENTS OF PROTEST AGAINST THE CONTINUED DETENTION AND HARSH TREATMENT OF THESE INNOCENT VICTIMS.

4. FOR STOCKHOLM, PARIS, ALGIERS, DAMASCUS, AND OTHER POSTS AS APPROPRIATE: WE HOPE THE AMBASSADORS RESIDENT IN TEHRAN WILL PRESS AS HARD AS POSSIBLE FOR DAILY VISITS TO THE COMPOUND. THIS IS AN IMPERATIVE IF WE ARE TO HAVE ANY PROTECTION AT ALL FOR THE HOSTAGES. WE BELIEVE IT IS EQUALLY IMPORTANT FOR A QUALIFIED DOCTOR TO ACCOMPANY THE AMBASSADORS ON VISITS TO THE COMPOUND AND TO REPORT ON THEIR CONDITION TO THE OUTSIDE WORLD.

5. FOR ROME: WE SINCERELY HOPE THAT THE PAPAL NUNCIO

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RECALLED
PAGE 22

TCR:325/08:432

DTG:214347Z NOV 79

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MEMORANDUM FOR: THE PRESIDENT
FROM: DAVID AARON ~~DB~~
SUBJECT: Deportation of Iranian Students

You asked yesterday that any exceptions on enforcement of deportation of Iranian students out of status in this country be strictly interpreted. Attached is a summary of present intentions of the Attorney General in implementing the deportation regulations. It points out that students in some categories can be prosecuted vigorously. Prosecution of other categories would cause serious hardship or danger to the individuals.

~~SECRET~~

*****E COPY

WILL BE ABLE TO PROCEED BACK TO TEHRAN IN ORDER TO MAKE VISITS TO THE HOSTAGES ON THE COMPOUND.

6. ALL POSTS: PLEASE STRESS TO THOSE WITH WHOM YOU MAY SHARE THIS INFORMATION THE IMPORTANCE OF THEIR USING IT JUDICICUSLY SO AS NOT TO DO HARM TO THE HOSTAGES REMAINING IN TEHRAN. VANCE
BT

PSN:015890 RECALLED PAGE 03 OF 03 TOR:325/09:03Z DTG:210307Z NOV 79

~~SECRET~~

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There is a third general category composed of students who are genuinely and seriously pursuing their educational objectives, but who are for one reason or another out of status and have no overriding persecution-related or humanitarian claim. These cases include those who have inadvertently neglected to renew their student status, or those who have transferred from one school to another without notifying INS. Students in this category are currently being processed through the show cause and deportation hearing stages, but whether deportation is ultimately the appropriate remedy remains to be determined.

The students in this third category should not be confused with those who are not seriously pursuing the educational program that justified their admission in the first instance. Those individuals have no claim to remain in this country, and they will be dealt with accordingly.

To date the reporting program has proved extremely successful. It now appears that the large majority of students will have reported before the established December 14 deadline. The Attorney General is considering whether it will be advisable to extend for a short period the final deadline, and at the same time issue a strong warning that an intensive investigation will be undertaken at the end of the period and that all those who have failed to report will be dealt with firmly.


John H. Shenefield
Acting Associate Attorney General

cc: Zbigniew Brzezinski
Assistant to the President
for National Security Affairs

Lloyd N. Cutler
Counsel to the President

Cyrus C. Vance
Secretary of State

THE WHITE HOUSE
WASHINGTON

Pl

03 Dec 79

Zbig Brzezinski

The attached was returned in
the President's outbox today
and is forwarded to you
for appropriate handling.

Rick Hutcheson

The Vice President
✓ Hamilton Jordan
Lloyd Cutler

IT IS ASSERTED THAT THIS IS HAPPENING IN RESPONSE TO HOLDING
HOSTAGE, CONTRARY TO THE NORMS OF INTERNATIONAL LAW, THE
STAFF OF THE U.S. EMBASSY IN TEHRAN. IT IS BEYOND DISPUTE THAT
THE SEIZURE OF THE AMERICAN EMBASSY IS, OF ITSELF, NOT IN ACCORD
WITH THE INTERNATIONAL CONVENTION ON RESPECT FOR DIPLOMATIC PRIVACY
AND IMMUNITY. HOWEVER, THIS ACT SHOULD NOT BE TAKEN OUT OF THE
GENERAL CONTEXT OF AMERICAN-IRANIAN RELATIONS, NOR SHOULD THE
UNITED STATES BE TAKEN OUT OF ITS CONTEXT.

U.S. CIRCLES ARE INCREASINGLY SHIFTING THE EMPHASIS ON FORCE,
WHICH HAS ARISEN, NOT ALLOWING EMOTIONS TO BOIL OVER, CERTAIN
EFFORTS IN THE SEARCH FOR A REASONABLE WAY OUT OF THE SITUATION
COOLNESS IN THE SITUATION WHICH HAS COME ABOUT, AND REDOUBLING
INSTEAD OF SETTING AN EXAMPLE OF RESTRAINT, RESPONSIBILITY AND
RESORTING TO BLACKMAIL VIS-A-VIS ANOTHER SOVEREIGN STATE.
CHARTER, CHIEF RESPONSIBILITY FOR MAINTAINING PEACE, IS ESSENTIAL
SHARES, TOGETHER WITH ITS OTHER MEMBERS IN ACCORDANCE WITH THE UN
STATES, WHICH IS A PERMANENT MEMBER OF THE SECURITY COUNCIL AND
AN ALARMING AND DANGEROUS SITUATION IS ARISING. THE UNITED

BE THAT AS IT MAY, THERE IS DIRECT EVIDENCE OF CRUDE
MILITARY-POLITICAL PRESSURE ON IRAN FROM ONE OF THE MIGHTIEST ST
MILITARILY SPEAKING, IN THE WORLD.

(TEXT) THERE ARE REPORTS THAT THE PENTAGON, IN MOUNTING
OPERATIONS AGAINST IRAN, IS INTENDING TO RELY ON ISRAEL AND TO USE
BASES IN EGYPT AND IN THE INDIAN OCEAN. ISRAEL HAS ALREADY
ITSELF PUBLICLY PROPOSED ITS SERVICES TO WASHINGTON IN THIS WHITE

/// OIL-REFINING ENTERPRISES.

TAKE 2 OF 2--10 (PETROV ARTICLE)

FBI 12

Handwritten:
Article
quotes
Kennedy

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AP

FOR WAS NOT INTERNATIONAL LAW ALSO FLOUTED BY THE ACTIONS OF THE U.S. SPECIAL SERVICES, WHICH IN 1953 ORGANIZED THE OVERTHROW OF THE LEGITIMATE GOVERNMENT IN IRAN AND FOISTED THE SHAH'S ARBITRARINESS AND LAWLESSNESS ON THE IRANIAN PEOPLE FOR A QUARTER OF A CENTURY AFTERWARDS? AND DOES THE POSITION OF THOSE WASHINGTON CIRCLES WHICH REJECT THE DEMANDS OF THE IRANIAN PEOPLE FOR HANDING OVER THE SHAH, AND THE RETURN TO THE COUNTRY OF BILLIONS WORTH OF WEALTH PLUNDERED BY HIM, REALLY HAVE MUCH IN COMMON WITH INTERNATIONAL LAW?

IN HIS INTERVIEW ON SAN FRANCISCO TELEVISION, SENATOR E. KENNEDY SAID: "THE SHAH WAS AT THE HEAD OF ONE OF THE MOST VIOLENT REGIMES IN THE HISTORY OF MANKIND. HOW CAN THE UNITED STATES BE JUSTIFIED IN TAKING IN A MAN WHO WANTED TO COME HERE AND REMAIN HERE WITH THIS COUNTLESS BILLIONS OF DOLLARS STOLEN FROM IRAN?" "THE UNITED STATES IS HARBORING A MURDERER AND ROBBER," STATED A. YOUNG, THE FORMER U.S. REPRESENTATIVE AT THE UNITED NATIONS. "IT IS THEREFORE LOGICAL THAT THE IRANIAN PEOPLE ARE DEMANDING THE EXTRADITION OF THE SHAH FROM THE UNITED STATES TO PUT HIM ON TRIAL FOR THE CRIMES HE HAS COMMITTED."

THE NONEXTRADITION OF THE SHAH HAS BEEN DECLARED BY SOME IN THE UNITED STATES AS PRACTICALLY A "MATTER OF NATIONAL HONOR." HOWEVER, THE HARBORING OF A CRIMINAL BY NO MEANS ENHANCES THE HONOR AND PRESTIGE OF THE COUNTRY.

INTERNATIONAL LAW, LIKE ANY LAW IN GENERAL, DOES NOT RECOGNIZE DOUBLE STANDARDS. THE INDISPUTABILITY OF THE PRINCIPLE OF THE INVIOABILITY OF DIPLOMATIC MISSIONS CANNOT SERVE AS A JUSTIFICATION, NOR EVEN LESS AS A PRETEXT, FOR THE VIOLATION OF THE SOVEREIGNTY OF AN INDEPENDENT STATE--ANOTHER PRINCIPLE FORMING THE CORE OF ALL INTERNATIONAL LAW.

THE PRESENT ATTEMPTS BY THE UNITED STATES TO BLACKMAIL IRAN, HAVING DRAWN UP ITS FORCES TOWARDS IRAN'S BORDERS, AND TO DICTATE TO IT BY FORCE ITS LINE OF CONDUCT, IS A CRUDE VIOLATION OF INTERNATIONAL LEGAL NORMS.

IT IS INADMISSIBLE THAT THE INCIDENT WITH THE AMERICAN EMBASSY WHICH, OF COURSE, MUST FIND A JUST SOLUTION ON A BASIS ACCEPTABLE TO BOTH SIDES, HAS BECOME A PROLOGUE FOR A DANGEROUS MILITARY PROVOCATION THREATENING INTERNATIONAL PEACE.

OUR COUNTRY COMES OUT, AS COMRADE L.I. BREZHNEV HAS STRESSED,
"AGAINST INTERFERENCE FROM THE OUTSIDE IN IRAN'S INTERNAL AFFAIRS
BY WHOEVER, IN WHATEVER FORM AND ON WHATEVER PRETEXT."
THIS STAND BY THE SOVIET UNION REMAINS UNALTERED
BECAUSE ONLY BY THE STRICT OBSERVANCE IN PRACTICE BY
ALL STATES, BIG AND SMALL, OF THE PRINCIPLE OF RESPECT FOR THE
SOVEREIGNTY OF OTHER COUNTRIES, NONINTERFERENCE IN THEIR INTERNAL
AFFAIRS, OF GENERALLY ACCEPTED NORMS OF INTERNATIONAL CONTACT
AND A THOROUGH SEARCH FOR PEACEFUL SOLUTIONS TO ANY CONTROVERSIAL
ISSUES, WILL MAKE IT POSSIBLE TO PRESERVE PEACE BETWEEN PEOPLES
AND TO STRENGTHEN INTERNATIONAL SECURITY.

(ENDALL)

5 DEC 0309Z JCE/HH

~~CONFIDENTIAL~~

PPH ZCZCCDS757
OO WTE3
DE WTE #9536 3272106
O 232104Z NOV 79
FM WHITE HOUSE SITUATION ROOM
TO HAMILTON JORDON
O 221630Z NOV 79

[REDACTED]
TO SEC STATE WASH DC

BT

C O N F I D E N T I A L EYES ONLY

DELIVER TO HAMILTON JORDON IN A SEALED ENVELOPE

SIC

PLEASE PASS FOLLOWING TO IRAN TASK FORCE, OPERATIONS CENTRE, STATE
DEPT. FOLLOWING RECEIVED [REDACTED]

BEGINS:

CONFIDENTIAL

FM TEHRAN 221415Z NOV 79

TO IMMEDIATE WASHINGTON

TELEGRAM NUMBER 34 OF 22 NOVEMBER

INFO IMMEDIATE FCO (FOR MED)

FOLLOWING IS MESSAGE FROM LAINGEN ADDRESSED TO SECRETARY VANCE,
WHICH HE HANDED TO THE [REDACTED]

[REDACTED] ONLY LIMITED FACILITIES
WE HAVE BEEN ASKED TO TRANSMIT IT. I SHOULD BE GRATEFUL IF
TEXT COULD BE CONVEYED URGENTLY TO MR VANCE.

BEGINS: FOR THE SECRETARY.

PAGE 2 RUEAUKW 0041 C O N F I D E N T I A L

1. WE HAD AN OPPORTUNITY TO SEND A MESSAGE SEVERAL DAYS AGO
VIA [REDACTED] WITH SOME SPECIFIC SUGGESTIONS
ON THE SITUATION HERE AND WHICH WE HOPE YOU HAVE SEEN. [REDACTED]

[REDACTED] WAS ALLOWED TO SEE US AND WE
ASKED HIM ORALLY TO CONVEY VIA HIS EMBASSY IN WASHINGTON SOME
OF OUR CONCERNS ABOUT THE PERIOD IMMEDIATELY AHEAD. WE REITERATE
THEM BELOW, HOPING WE WILL HAVE SOME MEANS LATER TODAY TO COMM-
UNICATE THEM ON THE RECORD.

2. BEFORE DOING SO, I MUST NOTE WITH REGRET THAT ASIDE FROM
THESE OCCASIONAL [REDACTED] AND ACCESS TO A
PORTION OF THE MEDIA, OUR ABILITY TO KNOW WHAT IS UNDERWAY IN THE
BACKGROUND IS EXTREMELY LIMITED. I HAVE HAD NO SUBSTANTIVE
CONTACT WITH IRANIAN AUTHORITIES FOR THE PAST TEN DAYS.

3. THE PUBLIC ATMOSPHERE HERE IS ONE OF DANGEROUS EMOTIONAL
FRENZY. YESTERDAYS DEMONSTRATIONS AROUND OUR EMBASSY WERE
ALMOST UNPRECEDENTED IN SIZE AND VENOM AND WERE SUPPLEMENTED BY
SIMILAR AFFAIRS IN CITIES ALL OVER THE COUNTRY. KHOMEINI AND HIS
ENTOURAGE OF CLERICS HAVE SKILLFULLY USED THE SEIZURE OF OUR
EMBASSY, CHARGES THAT OUR DIPLOMATS ARE SPIES, AND OUR REFUSAL
TO HAND OVER THE SHAH, TO DEVELOP A MASS PSYCHOLOGY OF HATE THAT
PAGE 3 RUEAUKW 0041 C O N F I D E N T I A L
MAY HAVE FEW PARALLELS IN HISTORY. THE FEW IRANIANS WHO RECOGNISE
THE DISASTROUS IMPLICATIONS OF THE COURSE KHOMEINI HAS SET FOR
HIS COUNTRY ARE TOO FRIGHTENED TO SPEAK OUT.

RECEIVED

NOV 23 1979

PERC/2047 SLK HORE NLC-97-12

EX NARS DATE 8/20/97

4. WORSE, WE ARE NOW ENTERING THE MOURNING MONTH OF MOHARRAM, A PERIOD WHEN EVEN DURING NORMAL TIMES EMOTIONS RUN HIGH. HENCE THE NEXT WEEK TO TEN DAYS WILL BE EXCEEDINGLY DANGEROUS FOR THE HOSTAGES. WE CANNOT EMPHASIZE TOO MUCH THE IMPORTANCE OF AVOIDING AS MUCH AS POSSIBLE ANY ACTIONS AND STATEMENTS ON OUR SIDE DURING THIS PERIOD THAT RISK EXACERBATING THE SITUATION HERE, NO MATTER HOW COMPELLING THEY MAY APPEAR IN TERMS OF PUBLIC OPINION AT HOME. IT IS IN ANY EVENT VITAL THAT WE AVOID ANY ACTION THAT RISKS VITIATING IN ANY WAY THE OVERWHELMING SUPPORT WE NOW HOLD WITH WORLD PUBLIC OPINION ON THE SEIZURE OF OUR EMBASSY AND THE TREATMENT OF OUR HOSTAGES.

5. WE ARE DEALING WITH A POPULACE FOR WHOM DEMONSTRATIONS HAVE BECOME A WAY OF LIFE, A RELIGIOUS PERIOD (MOHARRAM) THAT GLOFIFIES MARTYRDOM, A REVOLUTIONARY LEADERSHIP THAT SEES ITS SUCCESS IN OVERTHROWING THE SHAH AS ASSURANCE THAT MASS DEMONSTRATIONS WILL AGAIN SUCCEED, AND A SINGLE LEADER WHOSE WHOLE LIFE HAS BEEN ONE OF REFUSING TO BROOK COMPROMISE. REGRETTABLY, O-3 4 RUEAUKW 0041 C O N F I D E N T I A L
BECAUSE OF THIS MENTALITY AND BECAUSE OF THE WAY KHOMEINIS ACTIONS AND STATEMENTS HAVE IN THEMSELVES RESTRICTED IRANS OPTIONS, THERE MAY REMAIN VERY FEW COURSES OF ACTION THAT HE CAN TAKE (AND THAT WOULD BE TOLERABLE FOR US) WITHOUT RISK OF GREAT LOSS OF FACE FOR IRAN INTERNATIONALLY AND FOR KHOMEINI DOMESTICALLY. IT SEEMS TO US THERE ARE ESSENTIALLY ONLY TWO BROAD OPTIONS IN TERMS OF COURSES OF ACTION THAT KHOMEINI WILL OR COULD TAKE.

6. THE FIRST IS THAT HE MAY HIMSELF DECIDE TO HOLD THE LINE IN TERMS OF FURTHER THREATS AND ACTIONS UNTIL AT LEAST THE CONSTITUTIONAL REFERENDUM PROCESS IS COMPLETE ON DECEMBER 2. WITH THE OVERWHELMING ENDORSEMENT THAT THE CAMPAIGN AGAINST US HELPS ASSURE HIM IN THAT VOTE IT IS CONCEIVABLE THAT HE MIGHT THEN BE PREPARED EITHER A) SIMPLY TO ANNOUNCE A FULL RUPTURE OF RELATIONS AND AN EXPULSION OF THE HOSTAGES (WITHOUT TRIAL) AS SPIES OR B) TO CONTINUE HOLDING AT LEAST SOME OF THE HOSTAGES WHILE SIGNALING A WILLINGNESS TO BEGIN TALKS THROUGH SOME UN ARRANGEMENT OR THIRD PARTY INTERMEDIARY.

7. THE FIRST OF THESE IS AT LEAST FEASIBLE, GIVEN KHOMEINIS OVERWHELMING AUTHORITY, BUT IT WOULD NOT BE EASY GIVEN THE HEADY TALK OF TRIALS HERE. THE SECOND IS ALSO FEASIBLE BUT ONLY IF OFFERED PROMISE OF MEETING AT LEAST SOME OF IRANS DEMANDS VIS A VIS THE SHAH.

8. BUT MORE LIKELY THAN EITHER OF THESE MAY WELL BE THAT KHOMEINI WILL GO AHEAD WITH TRIALS OF SOME SORT, FOR ALL OR A SELECTED NUMBER OF THE HOSTAGES, FOLLOWED BY THEIR TOTAL EXPULSION FROM IRAN. THE CALL BY THE STUDENT OCCUPIERS OF THE EMBASSY ON NOVEMBER 21 FOR TRIALS AND BANI SADRS ALMOST DESPERATE APPEAL TO THE US VIA HIS TELEPHONIC INTERVIEW WITH NBCS TODAY PROGRAM THE SAME DAY NOT TO BE TOO AFRAID OF THE EVENTUALITY OF TRIALS, SUGGESTS THAT THIS OPTION IS UNDER ACTIVE CONSIDERATION.

9. THERE IS OBVIOUSLY GREAT RISK IN SUCH A COURSE, BOTH IN PRACTICAL TERMS AND IN TERMS OF PRINCIPLE. THERE IS THE DANGER THAT THE SENTENCES HANDED DOWN WOULD GO BEYOND MERE EXPULSION. AND FOR US TO ACQUIESCE IN SUCH TRIALS WOULD MEAN ACCEPTING A PROCESS THAT FLIES IN THE FACE OF ALL INTERNATIONAL CONVENTION AND PRACTICE AND CIVILIZED BEHAVIOUR AND UNDERMINES THE VERY PRINCIPLE ON WHICH WE NOW STAND. WE BELIEVE OUR PREFERRED COURSE MUST REMAIN THAT OF STRENUOUS OPPOSITION TO SUCH TRIALS, WHILE BUYING TIME TO SECURE THE HOSTAGES RELEASE (OR SIMPLE EXPULSION) BY DIPLOMATIC MEANS.

PAGE 6 RUEAUKW 0041 C O N F I D E N T I A L

10. BUT ACQUIESCENCE IN TRIALS MAY YET PROVE THE ONLY MEANS OF SECURING THE RELEASE OF THE HOSTAGES UNHARMED. IF WE ARE REDUCED TO THAT OPTION, WE WOULD NEED TO CONTINUE TO HOLD FIRMLY TO OUR PUBLIC POSITION THAT SUCH TRIALS ARE TOTALLY CONTRARY TO INTERNATIONAL LAW AND THAT THE IRANIAN GOVERNMENT REMAINS FULLY RESPONSIBLE FOR THE SAFETY OF OUR DIPLOMATIC PERSONNEL. IT CAN BE ARGUED THAT BY TAKING THIS POSITION, WHILE THE REGIME HERE GOES AHEAD WITH THE SPECTACLE OF SUCH TRIALS, THAT IRAN IS HUMILIATED MORE THAN WE. BUT THAT IS A JUDGEMENT THAT AFFECTS BOTH PRINCIPLE AND PUBLIC OPINION AT HOME THAT WE CANNOT AND SHOULD NOT MAKE FROM HERE.

11. WE WISH YOU AND ALL OUR COLLEAGUES IN WASHINGTON A VERY BLESSED THANKSGIVING DAY.

ENDS.

BT

#9536

~~CONFIDENTIAL~~

NNNN



OFFICE OF THE VICE PRESIDENT
WASHINGTON

December 20, 1979

How

FILE

MEMORANDUM FOR HAMILTON JORDAN ✓
JODY POWELL

FROM: RICHARD MOE *RM*

As the attached clip indicates, some of the hostages' families are getting increasingly frustrated and letting it be known publicly. Also, David Aaron mentioned this morning that congressional mail is reflecting a growing public impatience.

I realize there are several things in the works which hopefully will buy us more time, but I wanted to offer one suggestion which perhaps hasn't yet been considered, and that is for the President to place a conference call (or maybe two) to the hostages' families on Christmas Day. He could reassure them that he and the country are thinking of them on this special occasion, that he knows what it's like to be separated from loved ones at Christmas, that we are doing everything possible to secure the hostages' release, and that their safe return continues to be our highest priority.

Besides being a gracious and thoughtful gesture, such a phone call would help stem further comments from the families voicing their frustrations that we are not doing enough. The better understanding they have of our long-term strategy, the more likely they are to restrain their public comments. This is a worthwhile effort, in my view, because if we ever get an avalanche of critical comments from the families, that will obviously encourage others on the Hill, the campaign trail and elsewhere to follow suit and we could suddenly find ourselves under tremendous public pressure to do something we don't want to do.

Parents of hostage want U.S. to do more

12-207R P6B
Associated Press

Speaking out for the first time because "nothing else is doing any good," the parents of an American hostage said Wednesday that they don't think the U.S. government is doing enough to get the hostages home.

"I don't buy this mollycoddling we're doing in Iran," said Zane Hall of Little Falls, Minn. His son, Army Warrant Officer Joseph Hall, is among the hostages who have been held for 48 days in the U.S. Embassy in Tehran.

Zane's wife, Dorothy Hall, concurred, saying she was frustrated over the failure to get the hostages home from those very erratic people over there.

While she said she didn't believe enough was being accomplished, Dorothy Hall said she was against any military action and had no suggestions on what the government should do.

The Halls talked by telephone to a reporter for the Flyria (Ohio) Chronicle-Telegram newspaper.

Joseph Hall's home is Flyria. His wife, Cherylann Hall, following the bidding of State Department officials, has refused any public comment.

Zane Hall, a former construction worker, said he didn't think his son really signed a petition calling for the return of the elish to Iran. "I think they probably signed a blank sheet of paper under some guise such as taking a roster" and that the "top" of the petition was added later by the Iranians.

"I'm sure most of them would not have signed that unless they were duped."

Zane Hall said he was "concerned, apprehensive and a little bit hostile."

"If I went over there, it would be even more of a helluva mess. I might get to knocking heads together," he said.

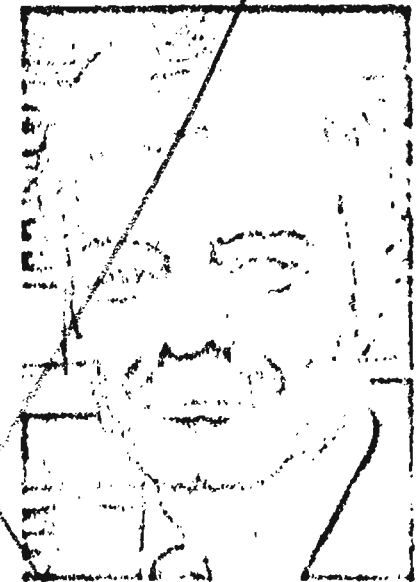
Charles Flinn new judge of district court

Charles A. Flinn Jr., a St. Paul lawyer, was appointed Wednesday by Gov. Al Quie as Ramsey District Court judge.

He succeeds Judge Ronald Hachey, 70, who retires Dec. 31 after 24 years on the district court bench.

Flinn, 39, 2268 Knapp St., has been a partner in the law firm of Stringer Courtney & Rohleder Ltd. since 1966, specializing in trial work. A native of Winona, he received a bachelor's degree from Yale University in 1962 and a law degree from the University of Minnesota in 1965.

Flinn is a major in the Air Force Reserve and has been active in the Independent-Republican Party. He was 4th District co-chairman of Sen. David Durenberger's, R-Minn., campaign



Charles A. Flinn Jr.
Succeeds Judge Hachey

paign committee last year.

Quie selected Flinn from among five candidates recommended by a Ramsey judicial district screening committee. Thirty St. Paul area lawyers applied for the post.

Flinn will be sworn in Jan. 7.

12-20
PP P1

Reserve Option Paper.
Not ripe quite yet!
RC.



Office of the Attorney General
Washington, D. C.

H. Jordan

Jim

December 21, 1979

Options for Legal Representation
of Hostages if Subjected to Trial or
Tribunal Proceedings

RC

A comprehensive evaluation of the options for representing the interests of the hostages and the United States in a trial or tribunal in Iran is dependent on analyzing the probable purpose of the proceedings and anticipating that the nature of such proceedings is likely to diverge from our traditional concepts of legal representation in a fair trial or proceeding.

If the purposes of the proceedings are to

1. condemn the Shah and the United States Government;
2. publicize that condemnation; and
3. unify Iranian support for Khomeini,

then the outcome of the proceedings will be controlled and predetermined, regardless of the merits of any individual's defense. The conduct of the proceedings will have no meaningful adversary, fair trial or due process elements. The trial will be staged as a media event in which the hostages are abused, humiliated and manipulated as surrogates for their country; the real party defendants will be the United States and the Shah. As a consequence, our concepts of legal representation, individual defense and conflict of interest, which would be relevant in a legitimate court of law, will be without meaning or application. In the eyes of the court or tribunal, the Iranians, the world and the American public, the rights and interests of the hostages will be indistinguishable from those of the United States.

Assuming these circumstances, following are options for providing legal representation of the hostages' and Government's interests, if such an opportunity is afforded:

OPTION ONE

Send no official representative of the Government and discourage representation of individuals by private counsel.

Pro - Most consistent with a refusal to recognize the proceedings and supports the Government's position that they lack all legitimacy.

Avoids dangers of good faith private counsel bargaining the interest of one hostage against the interest of the others, or irresponsible counsel grandstanding.

Con - Leaves hostages utterly defenseless and deserted making U.S. Government appear ineffectual, unresponsive and without courage.

Opens door for sham or inadequate representation by appointed Iranian counsel.

Does not completely avoid official representation of the United States because the hostages are official representatives and their presence, although under duress, may lend in personam jurisdiction in the eyes of Iranians and others viewing staged event.

OPTION TWO

Send no official representative but encourage responsible private counsel to represent individuals and state and argue the United States Government's position presented through written papers and statements prepared by State and Justice Departments.

Pro - Gives hostages independent counsel who will make as effective a defense as possible under the circumstances.

Gives Government very indirect legal representatives to assert illegality of proceedings.

Con - Lends some appearance of due process and legitimacy to proceeding by allowing hostages defense counsel of their choice.

Without any control or unifying Government presence, grave danger of multiple counsel narrowly focusing on interests of their individual clients which may work against interests of all hostages and United States Government.

Danger of maverick counsel who acts inimicably to the interests of the other hostages and United States. Without Government representative, a few such counsel could turn proceedings into absolute disaster in all aspects.

Unseemly to leave defense of official hostages to private counsel, and less effective to have treaty rights and diplomatic rights of the United States asserted by nongovernment counsel. */

Government's failure to face directly the Iranians and protect the hostages and the interest of the United States in Iran will create perception of abandonment of hostages among the American people and those watching the media event.

OPTION THREE

Send official representative to protest directly the illegality of proceedings and to protect hostages collectively.

Pro - Government stands directly and firmly behind hostages.

Shows moral courage to assert rights face to face, which Iranians lacked at The Hague.

May redirect hostility from hostages to the Government representatives at the proceeding.

Assures unity and control of United States' positions, which is in best interest of all hostages and United States.

Con - May lend some slight air of legitimacy to proceeding despite strong, repeated protests of illegality.

*/ 28 U.S.C. §516 provides that:

Except as otherwise provided by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

OPTION FOUR

Send official representative as lead counsel in protecting hostages and private counsel in a back-up status to defend the hostages individually.

Pro - First three benefits of Option Three.

Assures individual protection of hostages if an actual or apparent conflict of interest arises while the Government controls and orchestrates overall strategy.

Con - Some risk of exploitation by Iranian Government of well-meaning counsel's efforts on client's behalf, to detriment of other hostages.

Minor danger of maverick counsel destroying strategy of unified posture of attacking legality of proceedings.

I recommend the options in the following order: Option Four; Option Three; Option One; and Option Two.

TO BE AN ADMINISTRATIVE

DATE 8-25-83

IMMEDIATE

PRECEDENCE

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EARLY SELECTED RESULTS: 80-1

(December 1 - 8 Interviewing)

File:
Shah

Iran And The American Public's Mood

A month after the U.S. Embassy and its personnel in Teheran were seized, the American public was unified as it rarely is, decisive in its views, careful and selective in the options it would employ, and fully supportive of its President.

"Mary," the Iranian representative who gave a "commercial" before Marine Corporal Gallegos was interviewed by NBC over television Monday night, called on the American people to let their government know how they feel. It seems clear from our latest results that any attempt to drive a wedge between the American people and their government over the Iranian situation will not work. The public stands solidly behind U.S. policy and actions. It is the Iranian government that would seem to benefit from knowing how Americans feel, not the U.S. government.

Medical Visit Of Shah Approved; Returning Him To Iran Opposed

Six in ten Americans favored allowing the deposed Shah into the United States for medical treatment, even after experiencing the consequences of that action. Only one in three would not have allowed his visit, whether at the time of the decision or with full benefit of hindsight.

Reasons for favoring his admission are simple compassion for an ill man. Reasons for opposing his visit are that he could have gotten adequate medical care elsewhere, and the danger of retaliation by Iran. Few oppose his admission because of concern over the crimes that Iran alleges the Shah committed.

- B. There are differing views on the question of whether the Shah of Iran should have been allowed to come to the United States for medical treatment. How do you feel--that the Shah should or should not have been allowed to come to the United States for medical treatment?

(If "should" in B)

- C. Why do you think we should have let the Shah into the United States for medical treatment--because it was the humane thing to do, or because he was our ally and we owe him something, or because we have a tradition of giving asylum to those who seek it?

(If "should not" in B)

- D. Why do you think we should not have admitted the Shah for medical treatment--because you are totally opposed to the way he ruled Iran, or because you think he didn't need to come to the United States for his medical treatment, or because of the risk of retaliation by Iran if he came here?

B. Should be admitted	61%	B. Should not be admitted	33%
C. Because:		D. Because:	
The humane thing to do	45	Opposed to Shah's rule	7
He was our ally	9	Didn't need U.S. medicine	15
Our tradition of asylum	16	Risk of Iran's retaliation	15
Other (volunteered)	2	Other (volunteered)	1
Don't know	1	Don't know	1

B. Don't know about admission 6%

President's Handling Approved; Carter Stock Rises

Seven in ten Americans feel President Carter's response to Iran's actions were "properly cautious and considered." Only a quarter that many think the President didn't go far enough. Just 3% share the view of "Mary" that the President went too far.

- A. Do you think President Carter's response to what Iran is doing to the United States has been too timid and weak, or properly cautious and considered, or unnecessarily provocative and aggressive?

Timid, weak	18%
Cautious, considered	71
Provocative, aggressive	3
Mixed feelings (vol.)	6
Don't know	2

Underscoring the fact that the public is solidly behind the President on the Iranian matter are the trend results of our presidential supporter/critic question, asked before any mention of Iran in the interview:

6. How do you feel about President Carter--at the present time, would you describe yourself as a strong Carter supporter, a moderate Carter supporter, a moderate critic of Carter, or a strong critic of Carter?

	<u>Dec. 80-1</u>		<u>Oct./ Nov. 79-10</u>
Strong supporter	12%	} 54%	39%
Moderate supporter	42		
Moderate critic	29	} 43	56
Strong critic	14		
Don't know	3	3	5

* These results are based on nearly complete returns (1953 of 2000 in-person interviews in the case of Questions A - H; 1733 in the case of Question 6) from nationwide interviewing conducted December 1 - 8, 1979. Results reported here are not likely to change more than a percentage point or two when final returns are included.