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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** CULVAHOUSE, ARTHUR B.:FILES

**Withdrawer**

DLB 4/1/2014

**File Folder** IRAN/ARMS TRANSACTION: DECEMBER 7, 1985  
MEETING (1 OF 3)

**FOIA**

S643

**Box Number** CFOA 1131

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116

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164650	TESTIMONY	PRESIDENTIAL TESTIMONY TO TOWER BOARD, P. 16-17	2	2/11/1986	B1
164651	TESTIMONY	PRESIDENTIAL TESTIMONY - TOWER BOARD, P. 13-14	2	1/26/1986	B1
164652	TESTIMONY	TOWER BOARD INTERVIEW WITH GEORGE SHULTZ, JANUARY 22, 1987	6	1/22/1987	B1
164653	TESTIMONY	TOWER BOARD INTERVIEW OF CASPAR WEINBERGER, JANUARY 14, 1987	6	1/14/1987	B1
164654	TESTIMONY	DON REGAN, TOWER BOARD P.14-16	3	ND	B1
164655	DEPOSTION	DEPOSITION OF DONALD REGAN, MARCH 3, 1987 (3:15 P.M.)P. 57-59	4	3/3/1987	B1

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


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THE WHITE HOUSE  
WASHINGTON

July 17, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.  
FROM: WILLIAM B. LYTTON III   
SUBJECT: DECEMBER 7, 1985 MEETING

On Saturday, December 7, 1985, there was a meeting from 10:00 am to 11:58 am in the Residence at the White House. In attendance were the President (in pajamas and a bathrobe), Secretary Shultz, Secretary Weinberger, Deputy Director of Central Intelligence McMahon, Robert McFarlane, John Poindexter and Don Regan.

No contemporaneous notes were, to our knowledge, taken. However, Secretary Shultz and Secretary Weinberger "backbriefed" their assistants who in turn made some notes.

Under discussion was the status of the strategic opening to Iran: the efforts of the Iranians to have the hostages released and the United States supplying, either directly or indirectly, arms to Iran. McFarlane met a few days afterwards with Ghorbanifar in London.

The notes of Shultz' aide, Charles Hill, reflect that Shultz, Weinberger and Don Regan strongly opposed the arms transfers, followed by the note, "Against the law." McFarlane, Poindexter and the President are listed as "in favor." There is a further note: "no decision yet." There is then a discussion of McFarlane going to London, followed by, "[the President] said American people won't understand if 4 hostages died because I did not break the law."

Weinberger briefed Armitage who apparently briefed Arnie Rafel at State, who in turn briefed Chris Ross (of State) on what Weinberger had told him of the same meeting. His notes are consistent with Hill's, but more expansive:

On the legal issue, the President has said that the American people would understand if he broke the law to get the hostages back; they would not understand it if four hostages died because he refused to break the law. The President said, "they" could impeach him if they wanted; visiting hours in prison were on Thursdays. Weinberger pointed out that, in such a case, the President would not be alone.

The President noted in his diary that night that there was disagreement among the group and that no decisions were made that day; they were at a stalemate.

In his Tower Board interview on January 26, 1987 (Tab 1), the President recalled a meeting on December 7, 1985 at which the complex hostage plan proposed by the Iranians was discussed. This was the first time Secretaries Shultz and Weinberger's objections were "noted down" by the President. The discussion produced a stalemate. There is no reference in this interview of the legal issues.

Secretary Shultz has not been deposed by the Select Committees. He is scheduled to testify before the Committees on Thursday, July 23, and Friday, July 24, 1987. The designated hitters are Senators Inouye and Rudman, and Representatives Fascell and Broomfield. The attorney is Mark Belnick. It appears he may be the first witness asked in detail about the Charlie Hill notes. In Shultz' Tower Board interview of January 22, 1987, (Tab 2), he discussed the December 7, 1985 meeting. He did not discuss the legal issues. He noted that no decision was made at that meeting, though the President seemed to be in favor of the Iranian project. Shultz is expected to testify that legal questions concerning the Arms Export Control Act were raised, and that the President was frustrated about these legal issues. In that context, the President said the people would not understand if he let the hostages die because he did not want to violate the law. Thereafter, the Attorney General was consulted and a legal manner of proceeding was implemented.

Secretary Weinberger has been deposed, but we have not been given a copy of the transcript. I have been told that he testified he did not recall the discussion referred to in the Charlie Hill notes. In his Tower Board interview on January 14, 1987 (Tab 3), he did not discuss the legal issues raised at the meeting. He said he had expressed his strong opposition and "went through a whole catalogue of things which didn't require any gift of prophesy as to what would happen if this became public." His impression was that the President had decided not to go forward.

Don Regan, in his Tower Board interview of January 7, 1987 (Tab 4), did not discuss the legal issues. However, he said that McMahon raised the question of the source of the formal authority to send arms. In his Senate Select Committee deposition on March 3, 1987 (Tab 5), he did not address the legal issues.

John McMahon, in his Tower Board interview of January 6, 1987 (Tab 6), does not discuss the legal issues. He notes, however, "There was no decision. We didn't walk away with any marching orders or any decision at that moment."

McFarlane discussed this meeting in his Tower Board interviews of December 11, 1986 (Tab 7) and February 19, 1987 (Tab 8), as well as in his testimony of May 11, 1987 (Tab 9). In his Tower Board interviews, the legal issue was not raised. In his testimony, he was asked if he recalled Weinberger saying it was not legal for Israel to be selling weapons subject to an agreement by the United States to replace them. He answered, "it doesn't stand out. However, he had made the point in law back in August of that year, and so it is very likely that he would make it again." He further testified that the President's view was that there should not be arms sales to the Iranians, but that he was "disappointed, frustrated that things had not gone better, but resigned to accepting that if that was the case, don't go ahead."

Poindexter, in his deposition of May 2, 1987 (Tab 10), discussed the meeting at length and noted that Shultz "thought there was a legal problem with regard to the Arms Export Control Act." Weinberger made similar arguments. At the end, the President said, "I think we ought to go ahead. As far as the hostages are concerned, I just couldn't sleep if we didn't pursue every possibility.... If we succeed in this, we will all be heroes; if we don't, it will be very difficult."

Liman then asked:

Q. He used more colorful language than that, didn't he?

A. I really can't recall his precise words. I don't sound like the President right now, so his words would have been different.

Q. Did he say visiting days would be on Thursday?

A. I don't recall. He may have said that. He is kind of anecdotal, but then he did go on to say -- he said, "But, you know," he said, "I'm convinced that if I ever have to explain this to the American public, I can do it... I feel very comfortable about it."

In his deposition of June 18, 1987 (Tab 11), Poindexter said Shultz and Weinberger "made such a big issue of the illegality of it" that in early December, he asked North to ask the Attorney General or his people about that problem, "because clearly if it were illegal we couldn't go ahead with it." In his public testimony of July 15, 1987 (Tab 12), Poindexter said that Shultz and Weinberger opposed the arms transaction for a number of reasons, including "that it was contrary to the Arms Export Control Act."

Richard Armitage was interviewed by the Tower Board on December 18, 1986 (Tab 13). He said Weinberger had backbriefed him after the meeting and that Shultz and he had strongly opposed going forward. Weinberger said, "we think we've strangled the baby in his cradle." Armitage said he had discussed this issue in advance with Arnie Rafel at State to insure that Shultz and Weinberger would be making the same argument.

The Tower Board Report's summary of the December 7, 1985 meeting is attached at Tab 14.

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Tab 1	President's Tower Board Interview - 1/26/87
2	Shultz's Tower Board Interview - 1/22/87
3	Weinberger's Tower Board Interview - 1/14/87
4	Regan's Tower Board Interview - 1/7/87
5	Regan's Deposition - 3/3/87
6	McMahon's Tower Board Interview - 1/6/87
7	McFarlane's Tower Board Interview - 12/11/86
8	McFarlane's Tower Board Interview - 2/19/87
9	McFarlane's Testimony - 5/11/87
10	Poindexter's Deposition - 5/2/87
11	Poindexter's Deposition - 6/18/87
12	Poindexter's Testimony - 7/15/87
13	Armitage's Tower Board Interview - 12/18/86
14	Tower Board Report, B-42-B-45



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164651	TESTIMONY  PRESIDENTIAL TESTIMONY - TOWER BOARD, P. 13-14	2	1/26/1986	B1

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