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WITHDRAWAL SHEET

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

FOIA

S643

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SYSTEMATIC

118

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164661	PAPER	TOWER BOARD INTERVIEW OF RICHARD ARMITAGE P. 5-7	4	12/18/1986	B1

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

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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JOINT HEARINGS ON THE
IRAN-CONTRA INVESTIGATION

Testimony of John M. Poindexter

Wednesday, July 15, 1987

House Select Committee to Investigate
Covert Arms Transactions with Iran

and

Senate Select Committee on Secret Military Assistance
to Iran and the Nicaraguan Opposition

Washington, D.C.

Joint Hearings
of the

Select Committee to
Investigate Covert Arms
Transactions with Iran

U.S. HOUSE OF REPRESENTATIVES

Select Committee on
Secret Military Assistance
to Iran and the Nicaraguan Opposition

UNITED STATES SENATE



OFFICE OF THE CLERK
Office of Official Reporters

1304 Mr. LIMAN. Let's go to the--on December 7, 1985, after
1305 finding had been signed by the President, there was a
1306 meeting, was there not, between the principals of the
1307 National Security Council?

1308 Mr. POINDEXTER. Yes, there was.

1309 Mr. LIMAN. And do you recall Mr. Weinberger was there and
1310 Secretary Shultz was there, Don Regan was there, Mr. McMahon
1311 of the CIA was there; do you recall that?

1312 Mr. POINDEXTER. Yes, I do.

1313 Mr. LIMAN. There has been testimony about this. The only
1314 reason I am going to ask you about this is because there
1315 were certain perceptions in the Tower Report as to whether
1316 the Secretary of State or the Secretary of Defense really
1317 expressed their views forcefully.

1318 Would you tell us, Admiral, will the--at that meeting,
1319 there was a discussion again or there was a discussion of
1320 the Iran initiative, is that so? You have to say yes or no.

1321 Mr. POINDEXTER. Yes, there was.

1322 This December 7th meeting was the first opportunity that I
1323 can recall that I had to hear the President personally, the
1324 Secretary of State, the Secretary of Defense talk about
1325 their feelings about this initiative that had been proposed
1326 by the Israelis.

1327 Mr. LIMAN. And the subject on the table was an Israeli
1328 initiative under which the Israelis would ship arms to the

1329 Iranians and we would replenish the arms, hopefully there
1330 would be better relations with Iran, and as a token of good
1331 faith, the American hostages would be released; is that a
1332 fair summary?

1333 Mr. POINDEXTER. Well, I think it is a partial summary.

1334 Mr. LIMAN. Why don't you complete it.

1335 [Counsel conferring with witness.]

1336 Mr. POINDEXTER. We had been concerned in the National
1337 Security Council for some period of time with the situation
1338 in Iran. Unfortunately, we have very poor intelligence on
1339 what is happening in Iran.

1340 The National Security Council staff had prepared a draft
1341 finding earlier in '85 to try to get the government focused
1342 on what we saw as a very significant, looming problem in
1343 Iran as Ayatollah Khomeini eventually passed from the scene
1344 and it was some sort of succession. We didn't want a repeat
1345 of the '70s when things were happening in Iran that we
1346 weren't aware of, and eventually went out of our control and
1347 out of the control of the government there. We wanted to
1348 preclude the possibility in the future, and we felt that we
1349 needed to take an initiative to get closer to people in the
1350 Iranian government so that we could find out what is
1351 happening and hopefully have some influence in the future,
1352 or at least have information on which to base the United
1353 States policy.

1354 Mr. LIMAN. Admiral, see if this part is correct, that the
1355 currency for trying to get that influence that was being
1356 demanded, as reported by the Israelis, involved arms?

1357 Mr. POINDEXTER. That is often the currency of any sort of
1358 business in the Middle East.

1359 Mr. LIMAN. And in this case, that was the currency being
1360 demanded?

1361 Mr. POINDEXTER. Yes. That is correct.

1362 Mr. LIMAN. And it is also true that we did not want to
1363 authorize arms shipments to the Iranians unless we were
1364 assured of getting our hostages back; is that so?

1365 [Counsel conferring with witness.]

1366 Mr. POINDEXTER. As I was trying to lay out a moment ago,
1367 what our concerns were, what our major objective was, the
1368 President was clearly also concerned about the hostages.
1369 The President is a very sensitive person, and he is
1370 concerned about individuals when they are in difficulty.
1371 And so he, just as a human being, was concerned about the
1372 hostages.

1373 I don't think that the President was overly concerned
1374 about them, but he recognized that we did have an
1375 opportunity here to try to get the hostages back, and there
1376 was no way that we could carry on discussions with Iranian
1377 officials about broader objectives until we got over the
1378 first obstacle and the first obstacle was to get the

1379 hostages back. And the President felt that--that it was
1380 worth taking some risk here.

1381 Mr. LIMAN. Did the Secretary of State and the Secretary
1382 of Defense express objections?

1383 Mr. POINDEXTER. They expressed, as opposed to some
1384 reports, very strong, vociferous objection, and clearly laid
1385 out for the President the other side of the issue.

1386 Mr. LIMAN. And without going into undue detail, could you
1387 just tick off the points they made?

1388 Mr. POINDEXTER. Well, they are the obvious points that
1389 have been made since this all has become public. Secretary
1390 Shultz was concerned about our operation to staunch the flow
1391 of arms into Iran, which is one of the methods that we are
1392 using to try to stop the war between Iran and Iraq.

1393 After all, our policy objective there is to stop the war.
1394 The policy objective is not to have an arms embargo. You
1395 don't just go out and have an arms embargo for nothing. The
1396 reason we have an arms embargo against Iran is because we
1397 want to try to influence the end of the war, but in its
1398 simplest terms, what was being proposed here was not in
1399 accordance with that particular method that we were using.

1400 He was concerned that if the European countries found out
1401 about it, that it would lessen their willingness to
1402 cooperate. In reality, though, in my opinion, we have never
1403 had good cooperation from anybody on Operation Staunch. The

1404 European countries continued to send military equipment and
1405 supplies into Iran. Iran has been able to carry on a war
1406 for six, going on seven years now, I guess.

1407 Other objections were that it was contrary to the Arms
1408 Export Control Act. Secretary Weinberger had slightly
1409 different reasons, but they are generally along the same
1410 lines.

1411 Mr. LIMAN. And there is no doubt in your mind that the
1412 President listened to and understood those objections?

1413 Mr. POINDEXTER. I have a very vivid recollection of that
1414 meeting, and it was in the residence. The President pulled
1415 a footstool up to the coffee table and sat there very
1416 quietly, as is his nature, listening to all of the
1417 discussion up to that point, listening to Secretary Shultz,
1418 to Secretary Weinberger, Mr. McFarlane. I had very little
1419 comment. And I don't recall the Chief of Staff saying very
1420 much.

1421 Mr. McMahon was there and commented a little bit about
1422 some of the technical aspects of the initiative. I had
1423 spoken to Director Casey about the meeting before it took
1424 place, and knew at that point that Director Casey was in
1425 favor of the idea.

1426 And the President listened to all this very carefully, and
1427 at the end of the discussion, at least the first round, he
1428 sat back and he said something to the effect--and this is not

1429 a direct quote, but it was something to the effect that "I
1430 don't feel we can leave any stone unturned in trying to get
1431 the hostages back. We clearly have a situation here where
1432 there are larger strategic interests, but it is also an
1433 opportunity to get the hostages back, and I think that we
1434 ought to at least take the next step."

1435 Chairman HAMILTON. Counsel, is this an appropriate time
1436 for recess?

1437 Mr. LIMAN. Yes, Mr. Chairman.

1438 Chairman HAMILTON. The joint committees will stand in
1439 recess.

1440 [Recess.]

1441 DCMN MILTON

1442

1443 Chairman HAMILTON. The select committees will resume
1444 sitting.

1445 Mr. Liman, you may proceed.

1446 Mr. LIMAN. Thank you, Mr. Chairman.

1447 Admiral, at the December 7th meeting, was there any
1448 discussion of the November Hawk shipment?

1449 Mr. POINDEXTER. Mr. Liman, I can't recall that. I would
1450 be surprised if there weren't, but frankly I'm not sure.

1451 Mr. LIMAN. Is the same thing true with respect to the TOM
1452 shipment that took place in September by the Israelis?

1453 Mr. POINDEXTER. Yes. I'm reasonably sure in hindsight
1454 that it was probably covered, but my recollection of Mr.
1455 McFarlane's introduction to the issue was that he probably
1456 provided a review of what had happened up to that point.
1457 But frankly I can't remember that review very well.

1458 Mr. LIMAN. As I understand your testimony, the bottom
1459 line of the December 7th meeting was that the President
1460 listened to the objections, listened to the arguments for
1461 this, recognized the risk, said he was prepared to take that
1462 risk, and made a decision that at the very least Mr.
1463 McFarlane should go to London. Fair?

1464 Mr. POINDEXTER. Yes, that is fair.

1465 [Counsel conferring with witness.]

1466 Mr. POINDEXTER. And I don't want to leave the impression
1467 that this was a stilted meeting. In other words, it wasn't
1468 a situation where, as you probably have seen from some of
1469 the agenda for NSC or MSPG meetings, where each Cabinet
1470 officer had so much time and Mr. McFarlane provided a
1471 summary. This was a very free-wheeling discussion, and
1472 frankly my experience is that if you want to have a
1473 discussion like that, which was what you wanted, you have it
1474 at the residence in a less formal setting where everybody
1475 could be comfortable. You only have principals in
1476 attendance, not a lot of staff around, and everybody feels
1477 free to express their view without it being published in the
1478 Washington Post the following day.

1479 So this was a very free-wheeling discussion. Everybody
1480 spoke very frankly. Secretary Shultz and Secretary
1481 Weinberger spoke more than once. There was a lot of give
1482 and take in the discussion.

1483 But in the end, the President decided that Mr. McFarlane
1484 should make the trip to London to check out this Israeli
1485 channel so that we could, the President could take a
1486 decision based on firsthand information.

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Next Steps: The Iranians, the Israelis, and our U.S. businessman plan to meet in London on Saturday, December 6 to discuss whether or not to proceed with the sale of the TOWs and HAWKs. The Israeli government has informally told us that if they can be assured of "prompt" resupply, they will sell the quantities requested from their prepositioned war reserve. 3,300 TOWs represents [sic] [a significant proportion] their available supplies.

The U.S. businessman has arranged for the charter of two non-U.S. registered aircraft for use in the deliveries. The total delivery would be conducted in 5 flights from Tel Aviv to Tabriz, Iran via interim airfields in Europe. . . . Each delivery is to result in the release of a specified number of hostages. Arrangements for the interim airfields, overflight rights, and flight plans have been made, some with the help of the CIA. A communications code to preserve operational security is available for use by all parties. All aircraft would be inspected by an Iranian at one of the transient locations between Tel Aviv and Tabriz. The entire evolution is designed to be completed in a 24 hour period. It can be stopped at any point if the Iranians fail to deliver.

The greatest operational security concern is that of replenishing Israeli stocks. The Israelis have identified a means of transferring the Iranian provided funds to an Israeli Defense Force (IDF) account, which will be used for purchasing items not necessarily covered by FMS. They will have to purchase the replenishment items from the U.S. in FMS transaction from U.S. stocks. [sic] Both the number of weapons and the size of the cash transfer could draw attention. If a single transaction is more than \$14.9 M, we would normally have to notify Congress. The Israelis are prepared to justify the large quantity and urgency based on damage caused to the equipment in storage.

* * *

If this process achieves the release of the hostages and proves the credibility of the Iranian contacts in Europe, Bud McFarlane would then step in to supervise achieving

the longer range goals. Additional meetings with the Iranians would be arranged to further our objectives without requiring such large scale sales/deliveries by the Israelis.

Approval is now required for us to take the next steps on Saturday. After carefully considering the liabilities inherent in this plan, it would appear that we must make one last try or we will risk condemning some or all of the hostages to death and undergoing a renewed wave of Islamic Jihad terrorism. While the risks of proceeding are significant, the risks of not trying are even greater.

([North], "Special Project Re Iran," 12/5/85)

The President met his principal national security advisors on December 7 in his residence. The President, Secretaries of State and Defense, Deputy Director of the CIA, McFarlane, Poindexter, and the President's Chief of Staff attended. (Ellen M. Jones, Presidential Diarist, to Jay M. Stephens, 1/24/87 (information from the Presidential Calender, which apparently is called a Diary))

Recollections of the meeting vary. In his meeting with the Board on January 26, 1987, the President said he recalled discussing a complex Iranian proposal for weapons delivered by the Israelis in installments prior to the release of the hostages. The President said that Secretary Shultz and Secretary Weinberger objected to the plan, and that this was the first time he "noted down" their opposition. The President said that the discussion at the meeting produced a stalemate.

The Attorney General remembered attending; he did not think McFarlane was present, and thought that Fortier probably attended. (Meese 4) The subject of the meeting—the Iran transactions—was announced in advance, and the principals had time to prepare. (Shultz, SRB, 31; Armitage, 5) According to the Secretary of State,

Poindexter suggested that Mr. McFarlane could contact the Iranians in London to ask them to release the hostages without getting equipment. If they would do so, we, then, would be prepared for a better relationship with them.

I fully supported this proposal.

Vice Admiral Poindexter suggested that Mr. McFarlane should be authorized to ask the British to sell arms to Israel [Iran] if the Iranians rejected his first proposal. I opposed this idea. I said it was still U.S. arms, that it was a more complicated deal that would make us even more vulnerable. Other views were expressed.

No decision was made, however, at that meeting, as far as I could see. . . .

On December 7, Vice Admiral Poindexter told me privately that the project had fallen apart during Thanksgiving week. That is thinking back to that period. He said he had recommended to the President that we disengage, but that the President did not want to.

I felt in the meeting that there were views opposed, some in favor, and the President didn't really take a position, but he seemed to, he was in favor of this project somehow or other. And, of course, by now he has said publicly that he was in favor of working at the Iranian operation and being willing to sell arms as a signal, as he has now put it.

(Shultz, SRB, 31-32)

When the Secretary of State returned to his office, he told his staff that Secretary Weinberger and Regan also strongly opposed the initiative. The Secretary of Defense spoke for thirty minutes. The Secretary told his staff he felt that he perhaps should have barged in earlier and confronted the President. The problem, he felt, was that McFarlane did not tell him the whole story.

The Secretary of Defense had a different recollection of the meeting, which he remembered as taking place in the Oval Office.

[T]here was a quite specific, more detailed proposal that there had indeed been negotiations and discussions between somebody representing McFarlane's office and some Iranians who were reported to be moderates. I think at that meeting John McMahon was there. I'm not sure. Bill Casey may have been, or they both may have been. But there were some adverse comments passed about the veracity of the Ira-

nians involved, I think Ghorbanifar or some such name, but a more formal presentation was now made by McFarlane about what could be accomplished with this and points with respect to getting a better relationship with Iran as well as hopes that they might have a favorable effect on the release of the hostages.

Again, I opposed it very strongly and said I thought really it was a terrible idea and that the transfer of arms which was part of the plan which was to be done to establish the good faith of the negotiators—I think I made some comment about what about the good faith of the Iranian negotiators, and why—went through a whole catalogue of things which didn't require any gift of prophecy as to what would happen if this became public. . . . [T]he advice I gave in this case was as firm as I could do it, obviously not persuasive enough but as persuasive as I could do it, that all kinds of very unfortunate effects would result if this took place, that we were pleading with a large number of countries not to do this, that Jordan and Egypt regarded Iran as at least as much of a great Satan as they regarded us, and that it would be a very bad thing in every way to do, and that it wouldn't accomplish anything, and that they would undoubtedly continue to milk us.

At this time again, the Israeli connection or the Israeli support of such a transaction I guess is the better way to put it, was advanced by McFarlane. And I said that another of the problems that I thought with it was that doing anything of this kind and attempting to keep it on a clandestine basis would leave us open to blackmail of the very most elementary kind by the people who knew about it, that is, the Israelis and also Iranians, and that any time they weren't getting what they wanted, they could in one way or another, in Mideast fashion, go public with it and cause all kinds of problems with it, that there was no way that I ever felt I could talk with [moderate Arab States] again if we were supplying arms to [a] bitter enemy when we wouldn't supply arms to him et cetera, et cetera, just a whole series of arguments.

George Shultz made some very strong arguments along the same line . . . A very strong, very persuasive argument. And again, my impression pretty clearly was that the President agreed that this couldn't be done, that it might be a good thing to achieve these objectives but it wouldn't work, and that this was not a good way to do it.

(Weinberger 9-12) Armitage remembered the Secretary of Defense saying that he and Secretary Shultz "thought they had 'strangled the baby in the cradle'." (Armitage 6)

In his first interview with the Board, McFarlane recalled suggesting to the President on December 1 that the negotiations with the Iranians "seemed to be getting skewed towards arms going that way and hostages coming this way. . . . I thought we ought to seek a meeting directly with the Iranians and discontinue any kind of sponsorship of arms transfers." (McFarlane (1) 25) In this interview, McFarlane remembered the President's suggesting an NSC meeting to consider it. (*Id.*) At the meeting,

we went through the record of what had occurred since August in terms of Israeli transfers and the absence of meetings, and at consensus, the unanimous view of all of his advisors, the President decided: All right, you go to London, McFarlane, and you meet with the Iranians and make clear that we remain open to the political discourse, and here it is. And there were about four generic areas that we wanted to talk to Iran about, our disagreements and so forth.

And the second point is that we will not transfer nor encourage any other government to transfer weapons to them.

(*Id.* at 26)

McFarlane gave the Board a fuller account in his second interview.

[R]ight after the summit, after I got back from debriefing the Holy Father and Mitterand and Prime Minister Thatcher, we had some time to look at other things, and I didn't even come to the office. I went directly from London to Washington to California but had two days before the President got there to just kind of think

through how things had gone, and they hadn't gone very well.

The idea originally of us getting in direct communication with Iranian officials hadn't happened, and instead this imperfect demonstration of bona fides had been imperfect, rather dramatically, and had become their priority, with a very clear lack of good faith, I thought. And I said to the President after thinking about it, and I went down to Santa Barbara and we talked, both about my resignation but then about the results of this program. And I believe it occurred in the Century Plaza Hotel on a morning.

And I said that it seems to me that we ought to try to reorient it to its original purpose. Mr. President, and that is for us to avoid dealing through intermediaries and to talk to Iranians directly, and he agreed with that. And he said convene the NSC—the Secretary of State and Defense—and let's talk it over when we get back. So that is what led me to then do two things—convene a meeting and tentatively ask Admiral Poindexter, I believe, to have a meeting with the Iranian intermediary set up in London.

So with that prelude a meeting was convened on December 7 of the NSC, and I would, I believe, have presided because I was still sitting in the chair. What I am saying now is based upon routine and not notes from it. But I always started off by briefing the issue. Here we are today convened to talk about the Iranian program. Here is what has happened since the beginning and here is the return, the benefits and the liabilities of it, and the decision is what should we do or what should we do henceforth—continue as we have, change, or something else.

And then invite the comments of everybody around the table, usually start with the Secretary of State, then the Secretary of Defense, and around the table, and that would have led to the Director of the CIA, and any one of the other ad hoc members that happened to be present. Usually it was Mr. Regan.

And it was unanimous in the meeting that this really had gone badly off course and that we should yes, still be open to talking to Iranian officials, authorities, and have a concrete political agenda to describe. And we talked a little bit about that—our view of our interests in the area, how they were threatened by Iran, disagreements we had with them over terrorism and fundamentalists' crusade in the Middle East, and ultimately perhaps even some common interest—Afghanistan and elsewhere.

But because of how things had gone up until then we ought to also tell them that we were not going to transfer U.S. weapons, sell U.S. weapons. We were not going to allow or encourage anybody else to do so. And I don't recall anybody disagreeing with that at all.

The President wasn't terribly—didn't intervene in the meeting, as I recall, very much on one side or the other, but at the end said well, okay. That's what you should say. And I left that evening and was in London the next morning, and we took off from there.

(McFarlane (2) 45-47)

Regan's recollection is somewhat different. He recalled that, although McMahan, for example, was informally dressed,

the December meeting got to be more formal because McMahan, among others, raised the question of, you know, what the hell are we doing here. Arms are being sent. Where is the formal authority? You know, what are we doing here? Is this going to be policy?

And as a result of that meeting and people expressing views which now are commonly known, such as State Department and Defense opposed to this. CIA was in favor. NSC was in favor. And I must say that I favored it. I won't deny that I favored keeping the channel open, if necessary selling a modest amount of arms, in order to make certain that we were having contacts with Iran and at the same time, if as a result of this they could influence the Hizballah, as they had in the case of Benjamin Weir, why not.

So I am not certain, but I think I probably also reflect for the most part the President's view on that.

(Regan 14-15)

John McMahon, who represented the CIA, recalled that [t]here was no decision. We didn't walk away with any marching orders or any decision at that moment." The President asked questions about strengthening moderates in Iran by selling weapons. McMahon "pointed out that we had no knowledge of any moderates in Iran, that most of the moderates had been slaughtered when Khomeini took over." (J. McMahon 11-12) He noted that any weapons sold "would end up in the front, and that would be to the detriment of the Iran-Iraq balance." (*Id.* at 12) He did not know that McFarlane was about to leave for London. (*Id.*)

After the meeting, McFarlane went to London, where he joined North. North had traveled on December 6 to meet Kimche, Secord, and Schwimmer "to review all the arrangements" in connection with the plan North set forth in his note to Poindexter of December 4. (North PROF note to Poindexter, 12/4/85, 02:02:55) On December 8, before meeting with Ghorbanifar, and Nimrodi, McFarlane privately reported his instructions to Kimche. Kimche

was upset and he said: I think you're missing a big opportunity; that you have to have some patience; that these movements take time to consolidate; and these people are delivering to us important items, information basically; and that we see signs from our intelligence that they're making headway and beginning to lock up and arrest radical elements and put their own people in more responsible positions, and the gradual evidence of their growing influence and ability to act.

And I said: Well, we don't see that; and further, we think it is being skewed off in the wrong direction. So he said: Well, we disagree.

And we went ahead and met with this Mr. Ghorbanifar, and in the course of about three hours I covered my instructions. And he said: Well, I understand the political dialogue, and our people in Iran are very much open to that; and so, the point is

THE WHITE HOUSE

WASHINGTON

July 20, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

FROM: WILLIAM B. LYTTON III
DEPUTY SPECIAL COUNSELLOR TO THE PRESIDENT

SUBJECT: Briefing of the President Concerning
the December 7, 1985, Meeting

I. Background

Meeting: December 7, 1985
Residence
10:00 a.m. - 11:58 a.m.

Present: President (in pajamas and a bathrobe)
Secretary Shultz
Secretary Weinberger
DDCI John McMahon
Robert McFarlane
John Poindexter
Donald Regan

Subject: Status of strategic opening to Iran;
Focus was on U.S. supplying arms to Iran,
either directly or through Israel, to
obtain the release of the hostages.

Discussion: Strong opposition by Secretary Shultz,
Secretary Weinberger and Don Regan to
the transfer of U.S. weapons to Iran;
McFarlane, Poindexter and President
favored the arms transfers.

Legal Issue: Either Secretary Shultz or Secretary
Weinberger raised the legal issue that the
transfer of U.S. arms by Israel to Iran
violated the Arms Export Control Act.

Resolution: The President directed McFarlane to go to London to meet with Ghorbanifar.

The President noted in his Diary for that day that there was disagreement among the group and that no decisions were made; they were at "stalemate." The diary entry does not discuss the legal issue.

II. The Charles Hill Notes

While no contemporaneous notes were taken, to our knowledge, at this meeting, Secretary Shultz followed his usual pattern of "backbriefing" his close aide, Charles Hill, who in turn made copious notes. In addition, Secretary Weinberger discussed the meeting with Richard Armitage, who passed along Weinberger's recollection to a State Department aide, and these recollections also were the subject of a note.

- A. Charles Hill's notes 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."
- B. Chris Ross' notes reflect Arnie Rafel's discussion with Armitage of Weinberger's recollection:

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.

III. Context of Discussions

- A. This was an intensely candid and private exchange of views by and among the President's closest advisors.

- B. In this nearly two-hour conversation, positions were stated very forcefully, and obviously with hyperbole.
- C. Everyone knew that the lives of hostages were at stake.
- D. No useful purpose was served by writing down the rhetorical flourishes of the participants in such a candid discussion.

IV. Potential Impact

- A. Partisans will try to take this comment out of context -- ignoring the fact that no decision on the arms transfers was made that day and that thereafter the Attorney General's advice was sought and the arms sales were carried out in accordance with the law.
- B. The political impact could focus on a tone allegedly set at that meeting.
- C. If the President and his advisers cannot speak absolutely candidly in these types of meetings, without the fear of selective words and phrases being publicly disclosed months or years later, then the quality of that type of debate will deteriorate to merely posturing. The result will be a diminution in the value of the advice the President receives. Both the substance and the style in which it is given will be affected out of a concern as to how it will be portrayed at a later date.
- D. A lesson learned is that notes of candid conversations with the President, if made at all, should not be passed around to subordinates and should not be turned over to Congressional Committees.
- E. Because of the potential impact, both the President and the First Lady need to be alerted to the full context of this matter and its possible impact.