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Collection Name Fo		Fortier, Donald: Files		Withdrawer			
				RBW	2/24/2011		
File Fo	lder	JIJACKING CRISIS, JUNE 1985-JULY 1985, TWA	847	FOIA			
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ID 	Doc Type	Document Description	No of Pages	Doc Date	Restrictions		
105645	МЕМО	DONALD FORTIER, HOWARD TEICHER,	2	6/19/1985	P1		
105045	MENIO	OLIVER NORTH, TO ROBERT MCFARLANE RE. HOSTAGE SITUATION	2	0/19/1985	DI		
105647	DEMARC	H RE. HOSTAGE SITUATION [ATTACHED TO DOC. 105645]	1	ND	B1		
105650	PAPER	DICTATION TAKEN FROM AUGUSTUS R. NORTON	1	ND	B1		
105652	PAPER	RE. THOUGHTS ON THE PROBLEM BY NORTON	3	ND	B1		
105654	MEMO	JOCK COVEY TO FORTIER RE. TWA HIJACKING	2	6/20/1985	B1		
105657	NOTE	FORTIER TO MCFARLANE RE. HIJACKING [ANNOTATED]	1	6/20/1985	B1 B3		
105660	NOTE	FORTIER TO MCFARLANE RE. HIJACKING [ANNOTATED; COPY OF AND ATTACHED TO DOC. 105657]	1	6/20/1985	B1 B3		
105662	NOTE	FORTIER TO MCFARLANE RE. HIJACKING [ANNOTATED; COPY OF 105657 AND ATTACHED TO DOC. 105660]	1	6/20/1985	B1 B3		

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]

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105666	MEMO	FORTIER, NORTH, JOCK COVEY TO MCFARLANE RE. TWA HIJACKING	3	6/20/1985	B1	
105668	MEMO	WILLIAM CASEY TO RR, VICE PRESIDENT, SECTARY OF STATE, ET AL, RE. WEST BEIRUT	2	6/22/1985	B1 B3	
105669	MEMO	CHARLES FAIRBANKS TO FORTIER, ELLIOTT ABRAMS, PAUL WOLFOWITZ, AND FRED IKLE RE. TWA HOSTAGES	13	ND	B1	

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10564	5 MEMO	2	6/19/1985	B 1	
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10565	50 PAPER DICTATION TAKEN FROM AUGUSTUS R. NORTON	1	ND	B1	

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105657 NOTE FORTIER TO MCFARLANE RE. HIJACKING [ANNOTATED]	1 6/20/1985 B1 B3			

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10566	52 NOTE FORTIER TO MCFARLANE RE. HIJACKING [ANNOTATED; COPY OF 105657 AND ATTACHED TO DOC. 105660]	1	6/20/1985	B1 B3

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RE. TWA HIJACKING

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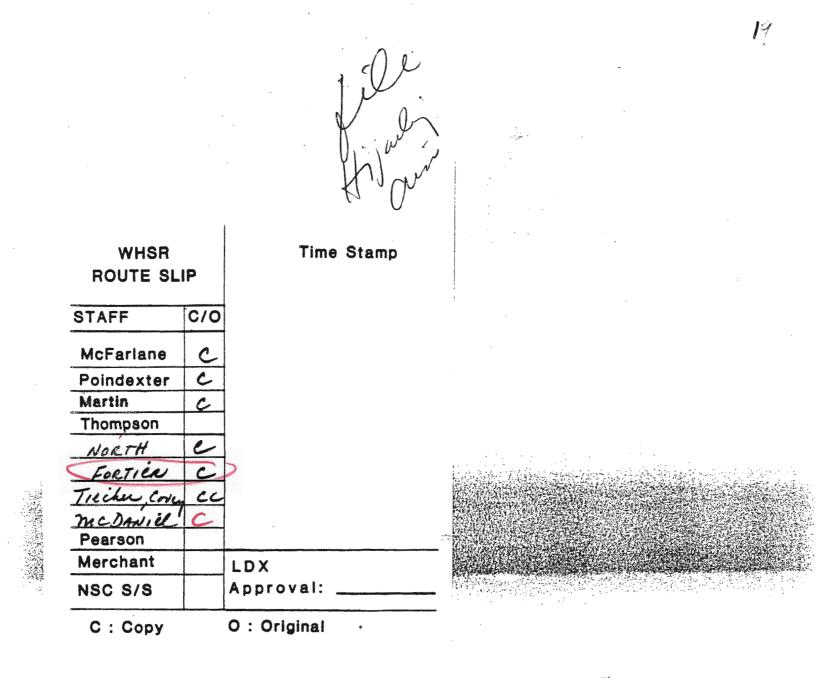
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					ID	Document Type Document Description	No of pages	Doc Date	Restric- tions
					10566	58 MEMO WILLIAM CASEY TO RR, VICE PRESIDENT, SECTARY OF STATE, ET AL, RE. WEST BEIRUT	2	6/22/1985	B1 B3

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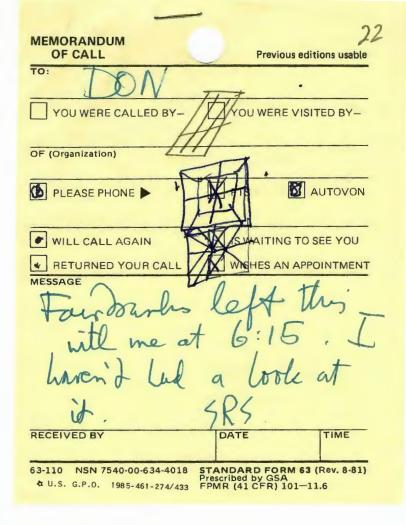
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105669 MEMO CHARLES FAIRBANKS TO FORTIER, ELLIOTT		13	ND	B1	
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RE. TWA HOSTAGES

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The Hostage Crisis: How Not To Negotiate Vilaului C

PETER W. RODMAN

When the state of the state of

L he Carter administration's diplomacy to free the American hosteges in Iran should serve as a classic case study in negotiation-or at least of a particular approach to negotiation. The U.S. government's behavior in those fourteen and a half months was by no means as aimless and haphazard as it may have seemed. On the contrary, it embodied a consistent negotiating strategy, indeed a distinct philosophy of how nations behave. The results should therefore be instructive.

When the hostages were set free on January 20, 1981, Carter administration officials hailed the release as the result of their hard work, patience, and mature response to a complex challenge. More specifically, they claimed vindication for the threefold strategy they had pursued from the beginning of the crisis:

- Except for the aberration of the rescue mission, they had avoided the dangerous use of force or other hostile actions that might have provoked Iran.
- They had effectively mobilized international pressures to isolate Iran, including diplomatic and economic sanctions.
- They had convinced Iran of America's good faith and willingness to settle, and indeed of U.S. support for Iran against its external enemies.

Yet there also is evidence for a very different proposition: that the release of the American diplomats was brought about by events that bore no relation to the strategy the Carter administration was pursuing, and that the negotiating philosophy of the administration may have had more to do with the humiliating prolongation of the crisis than with its resolution.

By now we have the benefit of various "inside" accounts of the hostage negotiations: Pierre Salinger's ABC television program, various post-mortem interviews with Carter administration officials, and the relevant portion of the recent New York Times Magazine investigation.¹ These accounts are largely sympathetic to the Carter

Peter W. Rodman was a member of the National Security Council staff in the Nixon and Ford administrations and accompanied Henry Kissinger on several negotiations. He is now a staff associate in diplomatic studies at CSIS.

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administration, essentially consistent, and remarkably revealing-sometimes inadvertently.

Their focus, for example, has been almost entirely on the many exotic intermediaries to whom the United States resorted. Some negotiating channels proved fruitful and others did not-with some puzzlement expressed as to why this was so. The many setbacks and frustrations are ascribed to bad luck or the turbulence of Iranian politics, making the administration's perseverance appear all the more noble. The striking feature of all these versions, however, including the more critical ones, is their fascination with the protracted negotiating process as if it occurred in a vacuum. They consistently fail to provide any serious analysis of the external context-of what factors determined the attitude of the key Iranian decision makers; of how external pressures (or lack of them) may have affected their decisions; or of how the United States might have chosen to influence the context and shape events. Hard work and patience are important in all negotiations, and it is a commonplace that any crisis of this sort involves a form of bargaining, whether tacit or explicit. But these accounts have rarely even addressed the decisive question: What led the Iranians eventually to want to settle? What made them suddenly willing to compromise over the terms, where they were unwilling before?

The answer is that successful negotiation depends not only on communication but on leverage. Diplomacy divorced from power is futile. Good faith must be shown in any negotiation; positive incentives have a role as well as negative incentives. But Iran, wallowing in its defiance, was in the end moved more by objective necessity than by appeals to reason. The Iranian domestic system, whatever its manifest intractability, could be shaken by external events. Yet the American negotiating approach only guaranteed that Iran paid no serious price for perpetuating the crisis and that no Iranian faction could point to a compelling reason in the Iranian national interest to settle. In the end, two pivotal external pressures *did* force the resolution: the Iraqi invasion and the imminence of Ronald Reagan's presidency. The prolongation of the conflict for fourteen and a half months can only be understood, therefore, as the result of an extraordinary diplomatic strategy that deliberately threw away or frittered away almost all of its bargaining leverage.

INITIAL RESPONSE

L he seizure of the U.S. Embassy and its diplomats on November 4, 1979, was followed within a day by the Ayatollah Khomeini's ringing endorsement of the takeover and within two days by the fall of the Bazargan government, on whose assurances the United States had relied for the hostages' release. By November 6 it was apparent that the United States faced not an unruly mob but the deliberate action of a hostile government. The Carter administration reacted cautiously—not in itself unreasonable. To its credit, it ruled out returning the shah to the Iranian crowd howling for his head. But then it began sending all the wrong signals.

Rodman

Administration officials helpfully announced to Iran through the New York Times of November 6 that the United States had "virtually no leverage in the situation." Every effort was being made, sources told the Washington Post the same day, to "appeal to the Iranian government's sense of reason, humanitarianism and internationally accepted standards of conduct." White House Press Secretary Jody Powell then stunningly announced on November 6 that the use of force had been ruled out. Authoritative leaks from two National Security Council meetings on November 6, moreover, stressed to the Washington Post that there would be "no change in the status quo—no military alert, no movement of forces, no resort to military contingency plans." President Carter wanted "to avoid any hint of provocation," the Washington Star was told.

The administration appealed publicly to the United Nations; Secretary of State Cyrus Vance soon began meeting secretly in New York with UN Secretary-General Kurt Waldheim. The United States sought help from friendly Islamic countries. Former Attorney General Ramsey Clark and William Miller, liberal staff aide of the Senate Intelligence Committee, were dispatched as emissaries on November 7 with a letter from the president reportedly calling for the release of the hostages and for U.S.-Iranian discussions on how to improve relations. Clark and Miller were denied entry to Iran and cooled their heels in Istanbul for a week before sheepishly returning home. The Palestine Liberation Organization (PLO) sent an emissary to the ayatollah, in a move publicly welcomed by Secretary Vance on November 7 and probably encouraged by the U.S. government. Pope John Paul II pleaded for the hostages' release and was denounced by the ayatollah. As indignation surfaced in the Congress and as public demonstrations erupted spontaneously around the United States, Secretary Vance on November 8 appealed to his countrymen for calm: "It is a time not for rhetoric but for quiet, careful, and firm diplomacy."

Thus, before the first week was out, the Carter administration had embarked upon the threefold course that it was to pursue consistently for the next fourteen and a half months: avoiding force or provocation; appealing to international opinion; and attempting to demonstrate goodwill.

LEST WE PROVOKE

L he first lesson to be learned from the hostage crisis is that to announce that force is ruled out is to consolidate the adversary's victory and to relinquish control over events.

The use of force is never an easy matter to contemplate. No outsider can judge what military options, if any, were feasible: rescuing the hostages, punishing Iran by mining or destroying its harbors for seizing territory as a counter-hostage. But this is never

an entirely separate question from whether to announce immediately that the use of force is out of the question; such a step could not help but alter the psychological balance in the bargaining that was to follow.

Until this point any self-respecting Iranian revolutionary took it for granted that the Great Satan had diabolical powers. According to various accounts the militants

who seized the hostages originally intended only a temporary sit-in. They were surprised at the lack of initial resistance; they had expected many of their number to die in the attempt. They feared for several days that the United States might attack.² But then they were reassured by Washington that they had nothing to fear; the United States confirmed their unanticipated success. A fluid situation was thereby allowed to solidify.

It is extraordinary that even alert measures were ruled out. In past crises, placing U.S. intervention forces on alert or ordering naval ships close to the scene was a natural precautionary step. In the Jordan crisis of 1970, or the Middle East alert of 1973, readiness measures were a simple way of bringing pressure without public bluster, in the Mayaguez case in 1975 the rapid deployment of U.S. naval forces probably induced the release of the ship and crew even before the Marine assault on Koh Tang Island. The purpose of such measures is to seize the initiative, to demonstrate that a price will be exacted, to convey implacable determination, and to begin to dominate events. Excluding these steps indicated to the Iranians that a very different philosophy was at work.

The administration chose to await events, and not to shape them. The spontaneous anger of Americans was an annoyance, a form of pressure to retaliate, which the administration was not in a mood to do. (Among other things, Senator Edward Kennedy had just announced his presidential candidacy on November 7, 1979.) The sole response to public feeling was a presidential directive to the Justice Department on November 10 to deport Iranian students who were in this country illegally. On November 12 the president appealed again for public "restraint."

At the same time, the president terminated oil imports from Iran, but this was as much to dampen the public fervor as to punish Iran. The quantity of Iranian oil imported was minuscule; the president used the cutoff as another occasion to lecture the American people on the importance of an energy program. Had he waited for the Iranians to cut off oil exports to the United States, which they were likely to do, he would have been faced with additional public calls for retaliation with now a powerful strategic as well as a human justification. But this was a *casus belli* that he devoutly did not wish to have. He therefore preempted it.

Nonmilitary actions were explored eagerly, but even these were reactive. On November 14, Carter froze Iranian assests in U.S. banks, their foreign branches, and subsidiaries—but it was done only after word came a few hours earlier that Iran intended to withdraw its funds from American banks. It might not have been done otherwise.³ This action, the only step taken that had any significant impact, came ten days after the embassy takeover, not as a swift punishment conveying our seizure of the initiative but as a forced response to another Iranian affront. Not until five months later on April 7, 1980, did the administration sever diplomatic relations with Iran, expel the remaining Iranian diplomats, and impose a formal trade embargo.

As public outrage mounted, so did the president's rhetoric. In a speech to the AFL-CIO convention on November 15, 1979, he declared in ringing terms that we would not yield to an **act of terrorism, ** that the Iranians would be **held accounta-

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ble" for the safety of the hostages—but also that our policy was one of "firmness," "restraint," "calm leadership," "patience," and "perseverance." He called for "measured action," which he defined as "deliberate actions that clarify the real issues, reduce the likelihood of violence, protect our interests, and insure justice."

> "At precisely the moment when the Iranians were frightened and vulnerable, because of the Soviet invasion of their neighbor, the administration again threw away its bargaining leverage."

The administration took heart from the Iranian decision on November 17 to release 13 women and blacks, apparently with the help of PLO mediation. But the ayatollah tightened the screws the next day with a threat to try the remaining hostages as spies if the shah left the United States for any country other than Iran. In a televised address on November 20, the ayatollah mocked U.S. efforts to organize economic sanctions; he crowed that Carter did not have the "guts for military action." Only in response to this did the administration hint for the first time that it might resort to force. The White House issued a statement on November 20 that spy trials would be a flagrant violation of "international law and basic religious principles" and that Iran would "bear full responsibility for any ensuing consequences." The statement warned that a peaceful solution was "far preferable to the other remedies available to the United States." The president ordered a second carrier task force into the Indian Ocean.

But within a week, these menacing signals were undercut, indeed nullified, by fresh reports of reliance on a diplomatic solution. The theory was that the United States would try to work out a deal with the "moderates" in Iran and hope that they could "sell it to Khomeini and the students."⁴ It was revealed to the Iranians that military action was contemplated only if the hostages were harmed, not if they continued to be held unharmed.⁵ In a news conference of November 28, Carter reiterated the warnings of the previous week-but he also cautioned his audience that "excessive threats" of military action could harm the hostages. He praised the American people once again for their patience, persistence, and "maturity." On December 2, the president again argued for patience, pointing out that "this crisis may not be resolved easily or quickly." A few days later-one month after the crisis began-the administration leaked word that the president, had decided on a new program of diplomatic and economic measures to resolve the crisis; the State Department spokesman stressed their nonmilitary nature." Thus the Iranians were sent the comforting message that the United States was settling in for the long haul. On December 7, the president publicly assured a group of hostage families: "I am

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not going to take any military action that would cause bloodshed or arouse the unstable captors of our hostages to attack them or to punish them." He declared December 18, 1979, as National Unity Day, calling upon all citizens and organizations to observe that day by prominently displaying the American flag. The White House Christmas tree was left unlit to symbolize the country's concern.

It was inevitable that the American public would view the crisis in human terms, solicitous of the personal fate of the hostages. It is not one of America's worst qualities. Nor was it surprising that the media would be obsessed with the human drama. It was not inevitable, however, that the U.S. government would cater to these emotions—and thereby undermine its own bargaining position. It paid a stiff price for making the personal fate of the hostages the central focus of the crisis: this magnified in the eyes of the Iranians the value of the prize they held, and it could only add to American inhibitions about taking any risks to punish Iran or vindicate American honor.

APPEALS TO WORLD OPINION

L he second lesson to be learned from this crisis is that the preoccupation with world opinion can erode, rather than strengthen, one's bargaining position. What the administration professed to see as diplomatic pressure on the Iranians was in fact its opposite.

On December 4, 1979, the United Nations Security Council responded to the U.S. appeal by a unanimous resolution "urgently." calling for the release of the American hostages. This resolution and the margin by which it passed were hailed as a victory for American diplomacy. Unfortunately, the fine print of the resolution served as pressure more on the United States than on Iran. Four separate paragraphs of the resolution urged both parties (the United States and Iran) to avoid endangering international peace and security, to "refrain... from the threat or use of force," to resolve the problem "peacefully," and to "exercise the utmost restraint in the prevailing situation." If the United States chose to act unilaterally to vindicate its rights, it would have been in contravention of the resolution. The ineffectual moral pressure on Iran was coupled with yet another all-too-effective inhibition on the United States.

The United States then took its case to the International Court of Justice in The Hague. On November 29, the United States asked the court to declare the embassy seizure illegal and to order the release of the hostages. The court issued a preliminary opinion on December 15, 1979, that, indeed, the seizure was illegal and that Iran, which had refused to participate, was obligated to release the hostages "immediately." The court opinion was not without significance—but again the significance was other than that intended. In the 17 days consumed by this enterprise the United States effectively put Iran on notice; that no military action would be taken. While awaiting a ruling sought in the name of peaceful settlement, the United States was hardly likely to prejudice the case by acting unilaterally with violence. The United States thus *relieved* the pressure on Iran through the first half of December, and be-

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yond. In return for this self-denial the United States gained an authoritative statement of international law that had never been in doubt in the first place and that Iran had no intention of heeding.

L he energies of the U.S. government were thereafter mobilized to appeal to almost every segment and every institution of world opinion. President Carter wrote personal notes to 25 or 30 world leaders, including Leonid Brezhnev. Friendly Islamic countries were asked to bring pressure. The North Atlantic Council made a statement in December and another in May. An attempt was made to organize international diplomatic and economic sanctions, but this was blocked when the Soviet Union vetoed a sanctions resolution in the Security Council on January 13, 1980. Warren Christopher visited Europe to mobilize the allies in collective sanctions but they backed away; the United States let the matter fade in February to avoid provoking Iran while it installed its new "moderate" president, Abol-hassan Bani-Sadr. The European Community came close to breaking diplomatic relations with Iran in March 1980, but no action was taken until limited collective sanctions were imposed in May. The International Court of Justice issued a final opinion on May 24, 1980, confirming its decision of the previous December. A group of nine countries maintaining diplomatic ties with Iran (Australia, Austria, Finland, Greece, New Zealand, Norway, Spain, Sweden, and Switzerland) appealed to the Iranian Parliament in August 1980. In the same month, four U.S. allies (Japan, Italy, Belgium, and The Netherlands) appealed in vain to the speaker of the Parliament to permit an international mission to visit the hostages.

The allies' footdragging on economic sanctions only underlined the hollowness of the retaliation that was threatened. That they would try to distance themselves from the United States over economic sanctions was to be expected, given the European and Japanese need for Iranian oil. They also stood to profit economically from the U.S. trade cutoff. Ironically, European dissociation could have been turned to this country's advantage if a bolder policy had been pursued. Had the United States been on the verge of some drastic military action that might have damaged Iranian oil fields, the allies would have had a powerful stake in a resolution of the crisis as rapidly as possible, instead of an economic interest in its prolongation. They would have communicated to the Iranians their genuine alarm that the Americans were obsessed and there was no telling what might be done—thus adding to the credibility of U.S. threats instead of subtracting from it. As it was, the administration reassured the allies that it would not act rashly, thus also reassuring the Iranians.

MEN OF GOODWILL

I aving pledged in the first week of the crisis not to negotiate on Iran's grievances until after the hostages were released, the Carter administration set about to show its willingness to compromise and its sympathy for the Iranian revolution. Its frustration demonstrated the third lesson of the hostage crisis: The eagemess to prove goodwill to an intransigent opponent paradoxically makes a settlement less likely.

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Americans find it congenitally difficult to grasp the possibility that an adversary can be implacably hostile, uninterested in compromise, determined only on doing America harm. The expression of bitter grievances against the United States rather tends to evoke sympathy, triggering a reflex to show understanding, on the assumption that the embittered must be, and can be, conciliated. Paradoxically, the more vicious the assault on the United States, the more a forthcoming response is thought to be required. The alternative assumption—that an implacable enemy can only be fought—has implications that no democracy can relish.

In the Iranian case it is clear that the militants who took over the U.S. embassy did it deliberately to bring down a moderate government and to *prevent* any conciliatory dealings with the United States. The hostage-taking interrupted assiduous American efforts to ingratiate ourselves with the revolutionary leadership by promoting trade, continuing the sale of military equipment and spare parts,⁷ not to mention Dr. Brzezinski's handshake with Bazargan at the Algerian independence day celebrations three days before the takeover. According to Barry Rubin's highly regarded account of the Iranian revolution, "the Bazargan-Brzezinski meeting in Algiers was as influential in sparking the embassy takeover as was the shah's arrival in the United States."⁶ The most viciously anti-American elements thereby succeeded in dominating the policy of the new regime. This is the Iran that the Carter administration then tried to placate.

Undoubtedly regretting its decision to admit the shah into the United States, the administration made no secret of its hope to speed his departure. Its undignified struggle to distance itself from an American ally of 37 years was meant as a pacifying gesture to the Iranians. Ironically, it was hoist with its own petard when Mexico refused in late November 1979 to take him back, seeing no reason to run more risks for an ally of the United States than the United States itself was willing to run. The shah found refuge in Panama in December, until March when Iran filed an extradition request and Assistant to the President Hamilton Jordan reportedly connived with the Panamanians to place him under house arrest. By all accounts the shah's escape to Egypt was a shattering disappointment to those in the administration, including the president, who thought this ploy might satisfy, at least in part, Iran's grievances. But Egyptian President Anwar Sadat, who had more reason than the United States to fear the wrath of the Islamic fundamentalists, had a different notion of how one treats a longstanding ally.

In January and February 1980, UN Secretary-General Waldheim organized a five-member commission of inquiry to visit Iran and hear out Iran's historical complaints against the United States. President Carter approved the procedure on condition that the commission hear both sides, verify the well-being of the hostages, and lead to their quick-release. Its members represented such countries known for their devotion to human rights as Syria and Algeria, along with France, Venezuela, and Sri Lanka. When the commission reached Iran on February 23, the Ayatollah Khomeini reneged on all that had been agreed. After being dragged through the usual threepenny opera of alleged victims of SAVAK, the commission was ordered to

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issue a preliminary report immediately on the horrors committed by the United States in Iran; it was not allowed to see the hostages; and Khomeini announced that the hostages could not be freed except by decision of the new Parliament that was scheduled to be elected in March and April.

To this shock, a U.S. official responded, "In effect, we're proceeding as though the Khomeini statement had never been made."⁹ The president allowed the UN commission to proceed and agreed to the commission's issuance of a preliminary report, without its having seen the hostages and with no hope of their early release. According to Pierre Salinger, only the outrage of the Venezuelan commissioner, who rejected the ayatollah's terms as unacceptable blackmail, prevented further American humiliation. In any case, the commission left Iran on March 10 and disbanded.

When the Soviet Union invaded Afghanistan in late December 1979, the administration found another rationale for the attempt to conciliate Iran: The United States was to be Iran's protector. When two divisions of Soviet troops in Afghanistan moved to within 70-100 miles of the Iranian border, the State Department spokesman, Hodding Carter, assured Iran (on January 15, 1980) that the United States was prepared to honor a 1959 agreement pledging to defend Iran's territorial integrity. President Carter affirmed on the "Meet the Press" television show on January 20 that the United States wanted to see Iran remain united, stable, independent, and secure; the real threat to Iran came from the Soviet Union, he said, not from the United States. The administration leaked that all consideration of economic sanctions, or of a possible economic blockade, had been dropped; even that it had made a policy decision to offer future economic and military aid to Iran if the hostages were released unharmed.¹⁰

The generosity was not reciprocated. Washington's presumption that the U.S. government was more solicitous or discerning of Iran's safety vis-à-vis the Soviet Union than Iran was, did not impress the Iranians. Therefore the administration resorted to yet another argument for why the Afghan crisis required dropping American threats of retaliation against Iran: The Soviet Union was seen as "on the defensive diplomatically" in the Islamic world, and the United States did not want to forfeit this moral advantage by taking military action that would "divert the anger and fear now being directed at Moscow towards the United States."¹¹

Thus, at precisely the moment when the Iranians were frightened and vulnerable because of the Soviet invasion of their neighbor, the administration again threw away its bargaining leverage. Instead of *adding* new American pressures to Soviet pressures in a way that might have compelled Iran to pay some price for relief from the former, the United States lifted its weight from Iran to offset the Soviet menace. Thereby the United States gave the Iranians a breathing space to continue holding American hostages without cost. The same error was repeated nine months later

when Iraq invaded Iran.

The compulsion to prove American goodwill was also the one common thread running through the bizarre collection of intermediaries that the United States re-

sorted to in quest of a solution. The busy search for go-betweens and would-be channels only advertised our eagerness to do business—always a mistake in a negotiation—while the Iranians remained coolly uninterested. The choice of intermediaries advertised the U.S. government's desire to demonstrate sympathy, as if proof of American goodwill were the missing ingredient.

Ramsey Clark and the PLO in the very first week were only the first of a string of intermediaries whose pronounced left-wing coloration was presumed to make them attractive to the ayatollah. In this case the medium was clearly the message. The content of our communications, which could have been conveyed by any number of other governments, was apparently thought less important than the assurance of our good faith implicit in the selection of intermediaries who with few exceptions were distinguished by their hostility to the United States.

The right intermediary can make some difference. In 1970 and 1971, the Nixon administration sent Peking various signals of its interest in contacts: Romania and Pakistan were the two principal vehicles. The Chinese eventually replied through Pakistan, considering it more reliable. But that example only confirms that the content of the communication, not its courier, decides the outcome. Both sides then wanted a reconciliation and the "negotiation" was successful. When both sides want to settle, they will find an intermediary easily. When one side does not want to settle, no intermediary will make a difference, and indeed the eager pursuit of mediation only connotes that one's position is weak, adding to the intransigent opponent's incentive to hold fast.

The ayatollah, unlike Chairman Mao, was not interested in reconciliation. Therefore, he had no conceivable interest in assurances of American good faith. Nor was he interested in mediation. The ayatollah told *Time* magazine in the issue naming him Man of the Year at the end of 1979:

People... should not try to mediate between the oppressor and the oppressed. Such mediation itself is a great injustice.... The right approach, under these circumstances, is to rush to the side of the oppressed and implacably attack the oppressor. It is for this reason that we rejected offers of mediation and will continue to do so.

I et the administration persisted. Pierre Salinger's sympathetic account argues that the intermediaries failed because the moderates in the Iranian leadership were repeatedly frustrated by the religious hardliners. This is undoubtedly true—but the wrong conclusions were drawn from it. As in the hoary folklore about moderates versus hardliners in the Kremlin (where it may not be true), the theory is that if the United States presents a conciliatory face, it strengthens the moderates; American intransigence only plays into the hands of the hardliners. Experience rather suggests the opposite: Only by confronting the Iranian Jeadership with the certainty that a penalty would be exacted for continuation of the crisis would the United States give the moderates a persuasive argument to make to their colleagues for settling.

The strenuous exertion of goodwill unfortunately sent the wrong message. Like

the abjuring of force and the appeals to world opinion, it was counterproductive. The more the United States implied sympathy with Iranian grievances, the more this confirmed the correctness of the radicals' course. The radicals were not interested in American goodwill but in American humiliation. This they were achieving without cost.

It was probably lucky that Ramsey Clark was denied admission to Iran when he went as President Carter's emissary; seven months later he visited Iran on his own as a participant in a "Crimes of America" symposium. The PLO, unwilling to risk its capital further, alternated between claiming credit for the release of the 13 women and blacks and denying that it had ever sought to mediate. It reaffirmed its support for the Iranian revolution.

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The exotic cast of characters was then expanded to include the Secretary General of the Islamic Conference, the Secretary General of UNESCO, the terrorist fellow-traveler Archbishop Hilarion Capucci, and the viciously anti-American Sean Mac-Bride, holder of the Lenin Peace Prize. Then came Christian Bourguet, a left-wing French lawyer of fortune, close to Iranian Foreign Minister Sadeq Ghotbzadeh, and his Argentine partner, Hector Villalon, an international wheeler-dealer whom Bourguet reportedly had defended against kidnapping charges. This channel petered out after the April 25 desert raid. One of the depressing highlights of the Salinger broadcast was Bourguet's account of how he met with President Carter in a room on the ground floor of the White House living quarters in late March 1980 and lectured the president that the hostages were "not innocent" because they represented a country that had committed crimes against Iran. Another go-between was Mohammed Heikal, the Egyptian former editor and confidant of Nasser. His attractiveness to Iran was that he had been fired from *Al Ahram* by Sadat because of his strident opposition to Egypt's friendship with the United States.

The final breakthrough came, of course, with the help of Algeria. One cannot fault the Algerians for their conduct of the final negotiations; they acted professionally and at the behest of the United States. But a price was paid in the coin of American interests. Algeria, a revolutionary country that has been largely hostile to us in all international forums, is currently involved in a proxy war with Morocco, a longstanding ally of the United States and supporter of the Middle East peace processe in a gesture to Algeria for its help, the Carter administration suspended deliveries of tanks and aircraft needed by Morocco for its campaign against the radical Polisario guerrillas in the former Spanish Sahara—guerrillas trained and aided by Algeria. The Reagan administration values the U.S. friendship with Morocco and is

resuming the military deliveries. How to do this without affronting Algeria is another dilemma that the new administration has inherited from its predecessor.

WAITING FOR PARLIAMENT

And so the impasse persisted through 1980. After the failed April rescue mission, the United States resumed the policy that the State Department spokesman, Hodding Carter, had described as "watchful waiting"—waiting patiently for the Iranian Parliament, in whose hands the ayatollah had left the decision. Although elections were scheduled for March and April, they were not held until May 13; the legislature did not convene until May 28 and did not take over formal legislative power from the Revolutionary Council until July 20. After a month and a half of squabbles over cabinet nominees, the Parliament did not take up the hostage question until September 14—and then deferred it because of the Iraqi invasion.

Throughout this period of humiliating postponements the United States effectively had no policy. According to the *New York Times* post-mortem interview with Warren Christopher:

Throughout the summer, the United States virtually stopped saying and doing anything about Iran. Mr. Christopher said, "We were in a position of some frustration" as the Administration awaited the formation of a new Government in Teheran...

It was not a heroic performance. In late July, 175 pro-Khomeini Iranians were arrested in Washington for violent demonstrations after news of the shah's death in Cairo. In retaliation the Iranian Parliament announced another delay of the debate on the hostages. The administration then hastily released the arrested Iranians, announcing that they had valid visas after all—over the protest of Immigration and Naturalization Service officials who charged that visa checks had not been completed as the administration claimed. Thus did the United States advertise its vulnerability to pressure.

The turmoil of Iranian politics remains the principal explanation offered by the administration for the prolongation of the crisis. This was treated as a fact of life, a given, an unalterable reality that the United States could not-dare not-disturb. The United States brought no pressure to bear, threatened no consequences, posed no risks. As a result, the Iranians had no compelling reason even to organize themselves sufficiently to make a decision.

Was this inevitable? No. Whatever the apologetics of the Carter administration, the endgame gave the game away.

Un September 12, 1980, the Ayatollah Khomeini concluded a lengthy speech with a brief enumeration of four terms for the hostages' release: return of the deposed

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he was convinced America was fomenting: "We are at war with America and today the hand of America has come out of the sleeve of Iraq."

Suddenly the stubborn lethargy of the Iranian political system, all the internal feuding and procrastinating and jockeying for position, jelled under the pressure of *force majeure*; suddenly the economic sanctions took on a new bite as the threat of protracted war impended. Whether Khomeini genuinely believed that the United States was in collusion with Iraq is irrelevant. We know, even if the Imam did not, that the blow that broke the log jam came from Saddam Hussein, not Jimmy Carter.

The second dimension of pressure was the American presidential election. There is a good recent historical analogy. In September 1972 came the first signs that North Vietnam was easing its terms for a cease-fire with the United States; Le Duc Tho pressed Henry Kissinger to commit himself to a settlement by October 31—days before the presidential election. Why? By September, the North Vietnamese had come to the conclusion that Nixon was certain to win reelection and there was no point waiting for better terms from George McGovern; secondly, they hoped to squeeze better terms from Nixon before his reelection than after. Therefore, Hanoi began making concessions in September and accelerated in October.

In 1980, the Iranians likewise saw election day as a deadline. They undoubtedly assumed they could squeeze better terms from President Carter before November 4 than afterwards. But secondly—unlike 1972—they saw Jimmy Carter in serious danger of losing and wanted to help him win. A revealing Reuters dispatch of September 16, 1980, printed in the New York Times the next day, quoted the outgoing Iranian foreign minister:

Mr. Ghotbzadeh said he thought the hostage crisis could be resolved before the American Presidential elections of November 4 and expressed the hope that Parliament would move fast enough to make such a timing possible.

Otherwise, he said, Ronald Reagan may win the election and that, "in our estimation, will be a disaster."

This was the "October surprise" feared by the Reagan campaign—not realizing that it had already occurred the month before!

In the last weeks before November 4, the Iranian leadership made a strenuous effort to secure parliamentary approval of a settlement; it was blocked, to the leadership's evident discomfiture, by a hardline minority's filibustering. The Iranians bungled it, and helped produce the electoral result they most feared. The cynical assumption in this country that President Carter was manipulating the hostage crisis for his political advantage in the last two weeks, it must be said, was almost certainly wrong. The Iranians, not the Americans, were forcing the pace of events, out of fear of Reagan. Carter had no control over what was happening—no more than he had had control over events in the previous 10 months. This is a far more serious indictment of his presidency, and he paid the price for it.

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simmered for a while, and then speeded up in the final two weeks. From administration officials one heard various explanations: Their hard work and perseverance were finally paying off; Iran's economic burden suddenly became too great; it was no longer in Iran's interest to prolong the crisis. But why did the breakthrough come then?

In the end, January 20 was the Great Divide for the Iranians as well as for President Carter's negotiators. The Iranians made it no secret that they feared what lay beyond. The president-elect's sharp denunciations of the Iranian "barbarians" only heightened their nervousness. It is more advantageous to be feared than to be loved, wrote the wise Florentine, the first national security adviser. Had Iran ever feared Jimmy Carter as it unmistakably feared Ronald Reagan, the crisis could not possibly have lasted so long.

THE ACCORDS

W hen the agreement was concluded early on January 20, 1981, there was a flurry of debate over whether the Reagan administration should repudiate it. There were valid arguments on both sides, though the public discussion managed as usual to obscure the real issue.

The United States would have been justified in renouncing the accords. The Vienna Convention on the Law of Treaties, like American domestic law, provides that agreements made under duress are not binding. A chorus of bipartisan voices (including liberal stalwart George W. Ball) urged renunciation. But there was a more fundamental argument. Nothing would have been more salutary than for the Reagan administration to acquire at the outset of its term a reputation for boldness and strength of will. What simpler way to send a loud message that America was not to be trifled with, that the new administration was capable of responding sharply to challenges? Its moderation thenceforward would be more appreciated and, even more importantly, more likely to be reciprocated. No recent president has had such an opportunity to reassert American firmness with such a solid base of domestic support.

There was also a valid argument on the other side, not the erroneous concern for the sanctity of America's word but a dictate of prudence. The new administration had a more fundamental agenda before it: restoring America's defenses, alliances, and economic health, the basic conditions of our strength. It could not be eager to start a fresh presidency with another Iranian crisis, which inevitably would have ensued. With all its top personnel not yet even in place, it would have bought itself a period of sustained tension and risk. If any complications developed—if American claimants were hurt by the collapse of the arbitration scheme; if the U.S. allies' eagemess to resume ties with Iran deprived the United States of leverage needed for a new confrontation with Iran—the strong domestic approval would have quickly eroded. As in previous negotiations over Vietnam and SALT, the public mood can change quickly. Liberal critics would have reverted to form, crying "fiasco." It can

be exceedingly unhealthy and sometimes even fatal to begin an administration amid a cloud of accusations of incompetence—as President Carter's SALT initiative of March 1977 exemplifies.

The Reagan administration opted to avoid the near-term risks. It signaled as early as January 22 that it intended to comply with the accords—forgoing even the opportunity of playing ominously enigmatic while scrutinizing them. Thereby it did not avoid, but only postponed, the long-term responsibility that any new administration must face: to establish its credibility. All the more importance, therefore, rests now on its performance of the more basic task for which it freed itself: restoring this country's world position so that it will never have to endure such humiliation again.

NOTES

- The most interesting journalistic accounts are Pierre Salinger's investigation on ABC-TV on January 22 and 28, 1981 (praised by former President Carter for its accuracy), the latter version of which was inserted into the Congressional Record (daily edition) by Senator Edward Kennedy, February 6, 1981; Warren Christopher's interview with Bernard Gwertzman in the New York Times, January 28, 1981; an account by Bill Prochnau and Walter Pincus in the Washington Post, January 25, 1981; and the recent special issue of the New York Times Magazine, "America in Captivity: Points of Decision in the Hostage Crisis," May 17, 1981.
- 2. New York Times Magazine, May 17, 1981, pp. 55-56; Reuters dispatch in the Los Angeles Times, November 13, 1979; New York Times, February 4, 1981, p. A15.
- Lynne Olson, Baltimore Sun, November 15, 1979; Sieven R. Weisman, New York Times, November 25, 1979.
- 4. William Beecher, Boston Globe, November 24, 1979.
- 5. Newsweek, December 3, 1979; New York Times Magazine, May 17, 1981, p. 83.
- Gwertzman, New York Times, December 6, 1979; Don Oberdorfer, Washington Post, December 6, 1979.
- 7. Only on November 9 did the United States announce suspension of deliveries of about \$300 million in military equipment and spare parts to Iran. On November 15, the Defense Department indicated it would continue the training in the United States of Iranian military personnel. It was terminated a week later.
- 8. Barry Rubin, Paved with Good Intentions: The American Experience in Iran (New York: Oxford University Press, 1980), p. 304.
- 9. Terence Smith, New York Times, February 27, 1980.
- Gwertzman, New York Times, January 18 and 23, 1980; John M. Goshko, Washington Post, January 20, 1980.
- 11. Goshko and Edward Walsh, Washington Post, January 15, 1980; Beecher, Boston Globe, January 15, 1980.
- Claudia Wright, "Implications of the Iraq-Iran War," Foreign Affairs, (Winter, 1980-81), 286. Most journalistic accounts of the hostage negotiation misleadingly date the Iran-Iraq war as beginning on September 22, 1980.

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The Hostage Crisis: How Not To Negotiate

PETER W. RODMAN

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L he Carter administration's diplomacy to free the American bosteges in Iran should serve as a classic case study in negotiation—or at least of a particular approach to negotiation. The U.S. government's behavior in those fourteen and a half months was by no means as aimless and haphazard as it may have seemed. On the contrary, it embodied a consistent negotiating strategy, indeed a distinct philosophy of how nations behave. The results should therefore be instructive.

When the hostages were set free on January 20, 1981, Carter administration officials hailed the release as the result of their hard work, patience, and mature response to a complex challenge. More specifically, they claimed vindication for the threefold strategy they had pursued from the beginning of the crisis:

- Except for the aberration of the rescue mission, they had avoided the dangerous use of force or other hostile actions that might have provoked Iran.
- They had effectively mobilized international pressures to isolate Iran, including diplomatic and economic sanctions.
- They had convinced Iran of America's good faith and willingness to settle, and indeed of U.S. support for Iran against its external enemies.

Yet there also is evidence for a very different proposition: that the release of the American diplomats was brought about by events that bore no relation to the strategy the Carter administration was pursuing, and that the negotiating philosophy of the administration may have had more to do with the humiliating prolongation of the crisis than with its resolution.

By now we have the benefit of various "inside" accounts of the hostage negotiations: Pierre Salinger's ABC television program, various post-mortem interviews with Carter administration officials, and the relevant portion of the recent New York Times Magazine investigation.¹ These accounts are largely sympathetic to the Carter

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administration, essentially consistent, and remarkably revealing-sometimes inadvertently.

Their focus, for example, has been almost entirely on the many exotic intermediaries to whom the United States resorted. Some negotiating channels proved fruitful and others did not-with some puzzlement expressed as to why this was so. The many setbacks and frustrations are ascribed to bad luck or the turbulence of Iranian politics, making the administration's perseverance appear all the more noble. The striking feature of all these versions, however, including the more critical ones, is their fascination with the protracted negotiating process as if it occurred in a vacuum. They consistently fail to provide any serious analysis of the external context-of what factors determined the attitude of the key Iranian decision makers; of how external pressures (or lack of them) may have affected their decisions; or of how the United States might have chosen to influence the context and shape events. Hard work and patience are important in all negotiations, and it is a commonplace that any crisis of this sort involves a form of bargaining, whether tacit or explicit. But these accounts have rarely even addressed the decisive question; What led the Iranians eventually to want to settle? What made them suddenly willing to compromise over the terms, where they were unwilling before?

The answer is that successful negotiation depends not only on communication but on leverage. Diplomacy divorced from power is futile. Good faith must be shown in any negotiation; positive incentives have a role as well as negative incentives. But Iran, wallowing in its defiance, was in the end moved more by objective necessity than by appeals to reason. The Iranian domestic system, whatever its manifest intractability, could be shaken by external events. Yet the American negotiating approach only guaranteed that Iran paid no serious price for perpetuating the crisis and that no Iranian faction could point to a compelling reason in the Iranian national interest to settle. In the end, two pivotal external pressures *did* force the resolution: the Iraqi invasion and the imminence of Ronald Reagan's presidency. The prolongation of the conflict for fourteen and a half months can only be understood, therefore, as the result of an extraordinary diplomatic strategy that deliberately threw away or frittered away almost all of its bargaining leverage.

INITIAL RESPONSE

L he seizure of the U.S. Embassy and its diplomats on November 4, 1979, was followed within a day by the Ayatollah Khomeini's ringing endorsement of the takeover and within two days by the fall of the Bazargan government, on whose assurances the United States had relied for the hostages' release. By November 6 it was apparent that the United States faced not an unruly mob but the deliberate action of a hostile government. The Carter administration reacted cautiously—not in itself unreasonable. To its credit, it ruled out returning the shah to the Iranian crowd howling for his head. But then it began sending all the wrong signals.

Administration officials helpfully announced to Iran through the New York Times of November 6 that the United States had "virtually no leverage in the situation." Every effort was being made, sources told the Washington Post the same day, to "appeal to the Iranian government's sense of reason, humanitarianism and internationally accepted standards of conduct." White House Press Secretary Jody Powell then stunningly announced on November 6 that the use of force had been ruled out. Authoritative leaks from two National Security Council meetings on November 6, moreover, stressed to the Washington Post that there would be "no change in the status quo—no military alert, no movement of forces, no resort to military contingency plans." President Carter wanted "to avoid any hint of provocation," the Washington Star was told.

The administration appealed publicly to the United Nations; Secretary of State Cyrus Vance soon began meeting secretly in New York with UN Secretary-General Kurt Waldheim. The United States sought help from friendly Islamic countries. Former Attorney General Ramsey Clark and William Miller, liberal staff aide of the Senate Intelligence Committee, were dispatched as emissaries on November 7 with a letter from the president reportedly calling for the release of the hostages and for U.S.-Iranian discussions on how to improve relations. Clark and Miller were denied entry to Iran and cooled their heels in Istanbul for a week before sheepishly returning home. The Palestine Liberation Organization (PLO) sent an emissary to the ayatollah, in a move publicly welcomed by Secretary Vance on November 7 and probably encouraged by the U.S. government. Pope John Paul II pleaded for the hostages' release and was denounced by the ayatollah. As indignation surfaced in the Congress and as public demonstrations erupted spontaneously around the United States, Secretary Vance on November 8 appealed to his countrymen for calm: "It is a time not for rhetoric but for quiet, careful, and firm diplomacy."

Thus, before the first week was out, the Carter administration had embarked upon the threefold course that it was to pursue consistently for the next fourteen and a half months: avoiding force or provocation; appealing to international opinion; and attempting to demonstrate goodwill.

LEST WE PROVOKE

L he first lesson to be learned from the hostage crisis is that to announce that force is ruled out is to consolidate the adversary's victory and to relinquish control over events.

The use of force is never an easy matter to contemplate. No outsider can judge what military options, if any, were feasible: rescuing the hostages, punishing Iran by mining or destroying its harbors or seizing territory as a counter-hostage. But this is the an entirely separate question from whether to announce immediately that the use of force is out of the question; such a step could not help but alter the psychological balance in the bargaining that was to follow.

Until this point any self-respecting Iranian revolutionary took it for granted that the Great Satan had diabolical powers. According to various accounts the militants

who seized the hostages originally intended only a temporary sit-in. They were surprised at the lack of initial resistance; they had expected many of their number to die in the attempt. They feared for several days that the United States might attack.² But then they were reassured by Washington that they had nothing to fear; the United States confirmed their unanticipated success. A fluid situation was thereby allowed to solidify.

It is extraordinary that even alert measures were ruled out. In past crises, placing U.S. intervention forces on alert or ordering naval ships close to the scene was a natural precautionary step. In the Jordan crisis of 1970, or the Middle East alert of 1973, readiness measures were a simple way of bringing pressure without public bluster; in the *Mayaguez* case in 1975 the rapid deployment of U.S. naval forces probably induced the release of the ship and crew even before the Marine assault on Koh Tang Island. The purpose of such measures is to seize the initiative, to demonstrate that a price will be exacted, to convey implacable determination, and to begin to dominate events. Excluding these steps indicated to the Iranians that a very different philosophy was at work.

The administration chose to await events, and not to shape them. The spontaneous anger of Americans was an annoyance, a form of pressure to retaliate, which the administration was not in a mood to do. (Among other things, Senator Edward Kennedy had just announced his presidential candidacy on November 7, 1979.) The sole response to public feeling was a presidential directive to the Justice Department on November 10 to deport Iranian students who were in this country illegally. On November 12 the president appealed again for public "restraint."

At the same time, the president terminated oil imports from Iran, but this was as much to dampen the public fervor as to punish Iran. The quantity of Iranian oil imported was minuscule; the president used the cutoff as another occasion to lecture the American people on the importance of an energy program. Had he waited for the Iranians to cut off oil exports to the United States, which they were likely to do, he would have been faced with additional public calls for retaliation with now a powerful strategic as well as a human justification. But this was a *casus belli* that he devoutly did not wish to have. He therefore preempted it.

Nonmilitary actions were explored eagerly, but even these were reactive. On November 14, Carter froze Iranian assests in U.S. banks, their foreign branches, and subsidiaries—but it was done only after word came a few hours earlier that Iran intended to withdraw its funds from American banks. It might not have been done otherwise.³ This action, the only step taken that had any significant impact, came ten days after the embassy takeover, not as a swift punishment conveying our seizure of the initiative but as a forced response to another Iranian affront. Not until five months later on April 7, 1980, did the administration sever diplomatic relations with Iran, expel the remaining Iranian diplomats, and impose a formal trade embargo.

As public outrage mounted, so did the president's rhetoric. In a speech to the AFL-CIO convention on November 15, 1979, he declared in ringing terms that we would not yield to an "act of terrorism," that the Iranians would be "held accounta-

ble" for the safety of the hostages—but also that our policy was one of "firmness," "restraint," "calm leadership," "patience," and "perseverance." He called for "measured action," which he defined as "deliberate actions that clarify the real issues, reduce the likelihood of violence, protect our interests, and insure justice."

> "At precisely the moment when the Iranians were frightened and vulnerable, because of the Soviet invasion of their neighbor, the administration again threw away its bargaining leverage."

The administration took heart from the Iranian decision on November 17 to release 13 women and blacks, apparently with the help of PLO mediation. But the ayatollah tightened the screws the next day with a threat to try the remaining hostages as spies if the shah left the United States for any country other than Iran. In a televised address on November 20, the ayatollah mocked U.S. efforts to organize economic sanctions; he crowed that Carter did not have the "guts for military action." Only in response to this did the administration hint for the first time that it might resort to force. The White House issued a statement on November 20 that spy trials would be a flagrant violation of "international law and basic religious principles" and that Iran would "bear full responsibility for any ensuing consequences." The statement warned that a peaceful solution was "far preferable to the other remedies available to the United States." The president ordered a second carrier task force into the Indian Ocean.

But within a week, these menacing signals were undercut, indeed nullified, by fresh reports of reliance on a diplomatic solution. The theory was that the United States would try to work out a deal with the "moderates" in Iran and hope that they could "sell it to Khomeini and the students."⁴ It was revealed to the Iranians that military action was contemplated only if the hostages were harmed, not if they continued to be held unharmed.⁵ In a news conference of November 28, Carter reiterated the warnings of the previous week—but he also cautioned his audience that "excessive threats" of military action could harm the hostages. He praised the American people once again for their patience, persistence, and "maturity." On December 2, the president again argued for patience, pointing out that "this crisismay not be resolved easily or quickly." A few days later—one month after the crisisbegan—the administration leaked word that the president had decided on a new program of diplomate and economic measures to resolve the crisis; the State Department spokesman stressed their nonmilitary nature.⁶ Thus the Iranians were sent the comforting message that the United States was settling in for the long haul.

On December 7, the president publicly assured a group of hostage families: "I am

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not going to take any military action that would cause bloodshed or arouse the unstable captors of our hostages to attack them or to punish them." He declared December 18, 1979, as National Unity Day, calling upon all citizens and organizations to observe that day by prominently displaying the American flag. The White House Christmas tree was left unlit to symbolize the country's concern.

It was inevitable that the American public would view the crisis in human terms, solicitous of the personal fate of the hostages. It is not one of America's worst qualities. Nor was it surprising that the media would be obsessed with the human drama. It was not inevitable, however, that the U.S. government would cater to these emotions—and thereby undermine its own bargaining position. It paid a stiff price for making the personal fate of the hostages the central focus of the crisis: this magnified in the eyes of the Iranians the value of the prize they held, and it could only add to American inhibitions about taking any risks to punish Iran or vindicate American honor.

APPEALS TO WORLD OPINION

L he second lesson to be learned from this crisis is that the preoccupation with world opinion can erode, rather than strengthen, one's bargaining position. What the administration professed to see as diplomatic pressure on the Iranians was in fact its opposite.

On December 4, 1979, the United Nations Security Council responded to the U.S. appeal by a unanimous resolution "urgently." calling for the release of the American hostages. This resolution and the margin by which it passed were hailed as a victory for American diplomacy. Unfortunately, the fine print of the resolution served as pressure more on the United States than on Iran. Four separate paragraphs of the resolution urged both parties (the United States and Iran) to avoid endangering international peace and security, to "refrain... from the threat or use of force," to resolve the problem "peacefully," and to "exercise the utmost restraint in the prevailing situation." If the United States chose to act unilaterally to vindicate its rights, it would have been in contravention of the resolution. The ineffectual moral pressure on Iran was coupled with yet another all-too-effective inhibition on the United States.

The United States then took its case to the International Court of Justice in The Hague. On November 29, the United States asked the court to declare the embassy seizure illegal and to order the release of the hostages. The court issued a preliminary opinion on December 15, 1979, that, indeed, the seizure was illegal and that Iran, which had refused to participate, was obligated to release the hostages "immediately." The court opinion was not without significance—but again the significance was other than that intended. In the 17 days consumed by this enterprise the United States effectively put Iran on notice that no military action would be taken. While

awaiting a ruling sought in the name of peaceful settlement, the United States was hardly likely to prejudice the case by acting unilaterally with violence. The United States thus *relieved* the pressure on Iran through the first half of December, and be-

yond. In return for this self-denial the United States gained an authoritative statement of international law that had never been in doubt in the first place and that Iran had no intention of heeding.

L he energies of the U.S. government were thereafter mobilized to appeal to almost every segment and every institution of world opinion. President Carter wrote personal notes to 25 or 30 world leaders, including Leonid Brezhnev. Friendly Islamic countries were asked to bring pressure. The North Atlantic Council made a statement in December and another in May. An attempt was made to organize international diplomatic and economic sanctions, but this was blocked when the Soviet Union vetoed a sanctions resolution in the Security Council on January 13, 1980. Warren Christopher visited Europe to mobilize the allies in collective sanctions but they backed away; the United States let the matter fade in February to avoid provoking Iran while it installed its new "moderate" president, Abol-hassan Bani-Sadr. The European Community came close to breaking diplomatic relations with Iran in March 1980, but no action was taken until limited collective sanctions were imposed in May. The International Court of Justice issued a final opinion on May 24, 1980. confirming its decision of the previous December. A group of nine countries maintaining diplomatic ties with Iran (Australia, Austria, Finland, Greece, New Zealand, Norway, Spain, Sweden, and Switzerland) appealed to the Iranian Parliament in August 1980. In the same month, four U.S. allies (Japan, Italy, Belgium, and The Netherlands) appealed in vain to the speaker of the Parliament to permit an international mission to visit the hostages.

The allies' footdragging on economic sanctions only underlined the hollowness of the retaliation that was threatened. That they would try to distance themselves from the United States over economic sanctions was to be expected, given the European and Japanese need for Iranian oil. They also stood to profit economically from the U.S. trade cutoff. Ironically, European dissociation could have been turned to this country's advantage if a bolder policy had been pursued. Had the United States been on the verge of some drastic military action that might have damaged Iranian oil fields, the allies would have had a powerful stake in a resolution of the crisis as rapidly as possible, instead of an economic interest in its prolongation. They would have communicated to the Iranians their genuine alarm that the Americans were obsessed and there was no telling what might be done—thus adding to the credibility of U.S. threats instead of subtracting from it. As it was, the administration reassured the allies that it would not act rashly, thus also reassuring the Iranians.

MEN OF GOODWILL

A aving pledged in the first week of the crisis not to negotiate on Iran's grievances. Until after the hostages were released, the Carter administration set about to show its willingness to compromise and its sympathy for the Iranian revolution. Its frustration demonstrated the third lesson of the hostage crisis: The eagerness to prove goodwill to an intransigent opponent paradoxically makes a settlement less likely.

Americans find it congenitally difficult to grasp the possibility that an adversary can be implacably hostile, uninterested in compromise, determined only on doing America harm. The expression of bitter grievances against the United States rather tends to evoke sympathy, triggering a reflex to show understanding, on the assumption that the embittered must be, and can be, conciliated. Paradoxically, the more vicious the assault on the United States, the more a forthcoming response is thought to be required. The alternative assumption—that an implacable enemy can only be fought—has implications that no democracy can relish.

In the Iranian case it is clear that the militants who took over the U.S. embassy did it deliberately to bring down a moderate government and to *prevent* any conciliatory dealings with the United States. The hostage-taking interrupted assiduous American efforts to ingratiate ourselves with the revolutionary leadership by promoting trade, continuing the sale of military equipment and spare parts,⁷ not to mention Dr. Brzezinski's handshake with Bazargan at the Algerian independence day celebrations three days before the takeover. According to Barry Rubin's highly regarded account of the Iranian revolution, "the Bazargan-Brzezinski meeting in Algiers was as influential in sparking the embassy takeover as was the shah's arrival in the United States."⁸ The most viciously anti-American elements thereby succeeded in dominating the policy of the new regime. This is the Iran that the Carter administration then tried to placate.

Undoubtedly regretting its decision to admit the shah into the United States, the administration made no secret of its hope to speed his departure. Its undignified struggle to distance itself from an American ally of 37 years was meant as a pacifying gesture to the Iranians. Ironically, it was hoist with its own petard when Mexico refused in late November 1979 to take him back, seeing no reason to run more risks for an ally of the United States than the United States itself was willing to run. The shah found refuge in Panama in December, until March when Iran filed an extradition request and Assistant to the President Hamilton Jordan reportedly connived with the Panamanians to place him under house arrest. By all accounts the shah's escape to Egypt was a shattering disappointment to those in the administration, including the president, who thought this ploy might satisfy, at least in part, Iran's grievances. But Egyptian President Anwar Sadat, who had more reason than the United States to fear the wrath of the Islamic fundamentalists, had a different notion of how one treats a longstanding ally.

In January and February 1980, UN Secretary-General Waldheim organized a five-member commission of inquiry to visit Iran and hear out Iran's historical complaints against the United States. President Carter approved the procedure on condition that the commission hear both sides, verify the well-being of the hostages, and lead to their quick-release. Its members represented such countries known for their devotion to human rights as Syria and Algeria, along with France, Venezuela, and

Sri Lanka. When the commission reached Iran on February 23, the Ayatollah Khomeini reneged on all that had been agreed. After being dragged through the usual threepenny opera of alleged victims of SAVAK, the commission was ordered to

issue a preliminary report immediately on the horrors committed by the United States in Iran; it was not allowed to see the hostages; and Khomeini announced that the hostages could not be freed except by decision of the new Parliament that was scheduled to be elected in March and April.

To this shock, a U.S. official responded, "In effect, we're proceeding as though the Khomeini statement had never been made."⁹ The president allowed the UN commission to proceed and agreed to the commission's issuance of a preliminary report, without its having seen the hostages and with no hope of their early release. According to Pierre Salinger, only the outrage of the Venezuelan commissioner, who rejected the ayatollah's terms as unacceptable blackmail, prevented further American humiliation. In any case, the commission left Iran on March 10 and disbanded.

When the Soviet Union invaded Afghanistan in late December 1979, the administration found another rationale for the attempt to conciliate Iran: The United States was to be Iran's protector. When two divisions of Soviet troops in Afghanistan moved to within 70-100 miles of the Iranian border, the State Department spokesman, Hodding Carter, assured Iran (on January 15, 1980) that the United States was prepared to honor a 1959 agreement pledging to defend Iran's territorial integrity. President Carter affirmed on the "Meet the Press" television show on January 20 that the United States wanted to see Iran remain united, stable, independent, and secure; the real threat to Iran came from the Soviet Union, he said, not from the United States. The administration leaked that all consideration of economic sanctions, or of a possible economic blockade, had been dropped; even that it had made a policy decision to offer future economic and military aid to Iran if the hostages were released unharmed.¹⁰

The generosity was not reciprocated. Washington's presumption that the U.S. government was more solicitous or discerning of Iran's safety vis-à-vis the Soviet Union than Iran was, did not impress the Iranians. Therefore the administration resorted to yet another argument for why the Afghan crisis required dropping American threats of retaliation against Iran: The Soviet Union was seen as "on the defensive diplomatically" in the Islamic world, and the United States did not want to forfeit this moral advantage by taking military action that would "divert the anger and fear now being directed at Moscow towards the United States."¹¹

Thus, at precisely the moment when the Iranians were frightened and vulnerable because of the Soviet invasion of their neighbor, the administration again threw away its bargaining leverage. Instead of *adding* new American pressures to Soviet pressures in a way that might have compelled Iran to pay some price for relief from the former, the United States lifted its weight from Iran to offset the Soviet menace. Thereby the United States gave the Iranians a breathing space to continue holding

American hostages without cost. The same error was repeated nine months later when Iraq invaded Iran.

The compulsion to prove American goodwill was also the one common thread running through the bizarre collection of intermediaries that the United States re-

sorted to in quest of a solution. The busy search for go-betweens and would-be channels only advertised our eagerness to do business—always a mistake in a negotiation—while the Iranians remained coolly uninterested. The choice of intermediaries advertised the U.S. government's desire to demonstrate sympathy, as if proof of American goodwill were the missing ingredient.

Kamsey Clark and the PLO in the very first week were only the first of a string of intermediaries whose pronounced left-wing coloration was presumed to make them attractive to the ayatollah. In this case the medium was clearly the message. The content of our communications, which could have been conveyed by any number of other governments, was apparently thought less important than the assurance of our good faith implicit in the selection of intermediaries who with few exceptions were distinguished by their hostility to the United States.

The right intermediary can make some difference. In 1970 and 1971, the Nixon administration sent Peking various signals of its interest in contacts: Romania and Pakistan were the two principal vehicles. The Chinese eventually replied through Pakistan, considering it more reliable. But that example only confirms that the content of the communication, not its courier, decides the outcome. Both sides then wanted a reconciliation and the "negotiation" was successful. When both sides want to settle, they will find an intermediary easily. When one side does not want to settle, no intermediary will make a difference, and indeed the eager pursuit of mediation only connotes that one's position is weak, adding to the intransigent opponent's incentive to hold fast.

The ayatollah, unlike Chairman Mao, was not interested in reconciliation. Therefore, he had no conceivable interest in assurances of American good faith. Nor was he interested in mediation. The ayatollah told *Time* magazine in the issue naming him Man of the Year at the end of 1979:

People... should not try to mediate between the oppressor and the oppressed. Such mediation itself is a great injustice.... The right approach, under these circumstances, is to rush to the side of the oppressed and implacably attack the oppressor. It is for this reason that we rejected offers of mediation and will continue to do so.

I et the administration persisted. Pierre Salinger's sympathetic account argues that the intermediaries failed because the moderates in the Iranian leadership were repeatedly frustrated by the religious hardliners. This is undoubtedly true—but the wrong conclusions were drawn from it. As in the hoary folklore about moderates versus hardliners in the Kremlin (where it may not be true), the theory is that if the United States presents a conciliatory face, it strengthens the moderates; American intransigence only plays into the hands of the hardliners. Experience rather suggests the opposite: Only by confronting the Iranian leadership with the certainty that as penalty would be exacted for continuation of the crisis would the United States give the moderates a persuasive argument to make to their colleagues for settling.

The strenuous exertion of goodwill unfortunately sent the wrong message. Like

the abjuring of force and the appeals to world opinion, it was counterproductive. The more the United States implied sympathy with Iranian grievances, the more this confirmed the correctness of the radicals' course. The radicals were not interested in American goodwill but in American humiliation. This they were achieving without cost.

It was probably lucky that Ramsey Clark was denied admission to Iran when he went as President Carter's emissary; seven months later he visited Iran on his own as a participant in a "Crimes of America" symposium. The PLO, unwilling to risk its capital further, alternated between claiming credit for the release of the 13 women and blacks and denying that it had ever sought to mediate. It reaffirmed its support for the Iranian revolution.

"The more the United States implied sympathy with Iranian grievances, the more this confirmed the correctness of the radicals' course."

The exotic cast of characters was then expanded to include the Secretary General of the Islamic Conference, the Secretary General of UNESCO, the terrorist fellowtraveler Archbishop Hilarion Capucci, and the viciously anti-American Sean Mac-Bride, holder of the Lenin Peace Prize. Then came Christian Bourguet, a left-wing French lawyer of fortune, close to Iranian Foreign Minister Sadeq Ghotbzadeh, and his Argentine partner, Hector Villalon, an international wheeler-dealer whom Bourguet reportedly had defended against kidnapping charges. This channel petered out after the April 25 desert raid. One of the depressing highlights of the Salinger broadcast was Bourguet's account of how he met with President Carter in a room on the ground floor of the White House living quarters in late March 1980 and lectured the president that the hostages were "not innocent" because they represented a country that had committed crimes against Iran. Another go-between was Mohammed Heikal, the Egyptian former editor and confidant of Nasser. His attractiveness to Iran was that he had been fired from *Al Ahram* by Sadat because of his strident opposition to Egypt's friendship with the United States.

The final breakthrough came, of course, with the help of Algeria. One cannot fault the Algerians for their conduct of the final negotiations; they acted professionally and at the behest of the United States. But a price was paid in the coin of American interests. Algeria, a revolutionary country that has been largely hostile to us in all international forums, is currently involved in a proxy war with Morocco, a longstanding ally of the United States and supporter of the Middle East peace proc-

essential gesture to Algeria for its help, the Carter administration suspended deliveries of tanks and aircraft needed by Morocco for its campaign against the radical Polisario guerrillas in the former Spanish Sahara—guerrillas trained and aided by Algeria. The Reagan administration values the U.S. friendship with Morocco and is

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resuming the military deliveries. How to do this without affronting Algeria is another dilemma that the new administration has inherited from its predecessor.

WAITING FOR PARLIAMENT

And so the impasse persisted through 1980. After the failed April rescue mission, the United States resumed the policy that the State Department spokesman, Hodding Carter, had described as "watchful waiting"—waiting patiently for the Iranian Parliament, in whose hands the ayatollah had left the decision. Although elections were scheduled for March and April, they were not held until May 13; the legislature did not convene until May 28 and did not take over formal legislative power from the Revolutionary Council until July 20. After a month and a half of squabbles over cabinet nominees, the Parliament did not take up the hostage question until September 14—and then deferred it because of the Iraqi invasion.

Throughout this period of humiliating postponements the United States effectively had no policy. According to the New York Times post-mortem interview with Warren Christopher:

Throughout the summer, the United States virtually stopped saying and doing anything about Iran. Mr. Christopher said, "We were in a position of some frustration" as the Administration awaited the formation of a new Government in Teheran...

It was not a heroic performance. In late July, 175 pro-Khomeini Iranians were arrested in Washington for violent demonstrations after news of the shah's death in Cairo. In retaliation the Iranian Parliament announced another delay of the debate on the hostages. The administration then hastily released the arrested Iranians, announcing that they had valid visas after all—over the protest of Immigration and Naturalization Service officials who charged that visa checks had not been completed as the administration claimed. Thus did the United States advertise its vulnerability to pressure.

The turmoil of Iranian politics remains the principal explanation offered by the administration for the prolongation of the crisis. This was treated as a fact of life, a given, an unalterable reality that the United States could not—dare not—disturb. The United States brought no pressure to bear, threatened no consequences, posed no risks. As a result, the Iranians had no compelling reason even to organize themselves sufficiently to make a decision.

Was this inevitable? No. Whatever the apologetics of the Carter administration, the endgame gave the game away.

Un September 12, 1980, the Ayatollah Khomeini concluded a lengthy speech with a brief enumeration of four terms for the hostages' release: return of the deposed

he was convinced America was fomenting: "We are at war with America and today the hand of America has come out of the sleeve of Iraq."

Suddenly the stubborn lethargy of the Iranian political system, all the internal feuding and procrastinating and jockeying for position, jelled under the pressure of *force majeure*; suddenly the economic sanctions took on a new bite as the threat of protracted war impended. Whether Khomeini genuinely believed that the United States was in collusion with Iraq is irrelevant. We know, even if the Imam did not, that the blow that broke the log jam came from Saddam Hussein, not Jimmy Carter.

The second dimension of pressure was the American presidential election. There is a good recent historical analogy. In September 1972 came the first signs that North Vietnam was easing its terms for a cease-fire with the United States; Le Duc Tho pressed Henry Kissinger to commit himself to a settlement by October 31—days before the presidential election. Why? By September, the North Vietnamese had come to the conclusion that Nixon was certain to win reelection and there was no point waiting for better terms from George McGovern; secondly, they hoped to squeeze better terms from Nixon before his reelection than after. Therefore, Hanoi began making concessions in September and accelerated in October.

In 1980, the Iranians likewise saw election day as a deadline. They undoubtedly assumed they could squeeze better terms from President Carter before November 4 than afterwards. But secondly—unlike 1972—they saw Jimmy Carter in serious danger of losing and wanted to help him win. A revealing Reuters dispatch of September 16, 1980, printed in the New York Times the next day, quoted the outgoing Iranian foreign minister:

Mr. Ghotbzadeh said he thought the hostage crisis could be resolved before the American Presidential elections of November 4 and expressed the hope that Parliament would move fast enough to make such a timing possible.

Otherwise, he said, Ronald Reagan may win the election and that, "in our estimation, will be a disaster."

This was the "October surprise" feared by the Reagan campaign—not realizing that it had already occurred the month before!

In the last weeks before November 4, the Iranian leadership made a strenuous effort to secure parliamentary approval of a settlement; it was blocked, to the leadership's evident discomfiture, by a hardline minority's filibustering. The Iranians bungled it, and helped produce the electoral result they most feared. The cynical assumption in this country that President Carter was manipulating the hostage crisis for his political advantage in the last two weeks, it must be said, was almost certainly wrong. The Iranians, not the Americans, were forcing the pace of events, out of fear of Reagan. Carter had no control over what was happening—no more than he had had control over events in the previous 10 months. This is a far more serious indictment of his presidency, and he paid the price for it.

When the Iranians' first deadline of November 4 passed, there was still a second: January 20, 1981. The negotiations resumed in November through the Algerians, he was convinced America was fomenting: "We are at war with America and today the hand of America has come out of the sleeve of Iraq."

Suddenly the stubborn lethargy of the Iranian political system, all the internal feuding and procrastinating and jockeying for position, jelled under the pressure of *force majeure*; suddenly the economic sanctions took on a new bite as the threat of protracted war impended. Whether Khomeini genuinely believed that the United States was in collusion with Iraq is irrelevant. We know, even if the Imam did not, that the blow that broke the log jam came from Saddam Hussein, not Jimmy Carter.

The second dimension of pressure was the American presidential election. There is a good recent historical analogy. In September 1972 came the first signs that North Vietnam was easing its terms for a cease-fire with the United States; Le Duc Tho pressed Henry Kissinger to commit himself to a settlement by October 31—days before the presidential election. Why? By September, the North Vietnamese had come to the conclusion that Nixon was certain to win reelection and there was no point waiting for better terms from George McGovern; secondly, they hoped to squeeze better terms from Nixon before his reelection than after. Therefore, Hanoi began making concessions in September and accelerated in October.

In 1980, the Iranians likewise saw election day as a deadline. They undoubtedly assumed they could squeeze better terms from President Carter before November 4 than afterwards. But secondly—unlike 1972—they saw Jimmy Carter in serious danger of losing and wanted to help him win. A revealing Reuters dispatch of September 16, 1980, printed in the New York Times the next day, quoted the outgoing Iranian foreign minister:

Mr. Ghotbzadeh said he thought the hostage crisis could be resolved before the American Presidential elections of November 4 and expressed the hope that Parliament would move fast enough to make such a timing possible.

Otherwise, he said, Ronald Reagan may win the election and that, "in our estimation, will be a disaster."

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simmered for a while, and then speeded up in the final two weeks. From administration officials one heard various explanations: Their hard work and perseverance were finally paying off; Iran's economic burden suddenly became too great; it was no longer in Iran's interest to prolong the crisis. But why did the breakthrough come then?

In the end, January 20 was the Great Divide for the Iranians as well as for President Carter's negotiators. The Iranians made it no secret that they feared what lay beyond. The president-elect's sharp denunciations of the Iranian "barbarians" only heightened their nervousness. It is more advantageous to be feared than to be loved, wrote the wise Florentine, the first national security adviser. Had Iran ever feared Jimmy Carter as it unmistakably feared Ronald Reagan, the crisis could not possibly have lasted so long.

THE ACCORDS

VV hen the agreement was concluded early on January 20, 1981, there was a flurry of debate over whether the Reagan administration should repudiate it. There were valid arguments on both sides, though the public discussion managed as usual to obscure the real issue.

The United States would have been justified in renouncing the accords. The Vienna Convention on the Law of Treaties, like American domestic law, provides that agreements made under duress are not binding. A chorus of bipartisan voices (including liberal stalwart George W. Ball) urged renunciation. But there was a more fundamental argument. Nothing would have been more salutary than for the Reagan administration to acquire at the outset of its term a reputation for boldness and strength of will. What simpler way to send a loud message that America was not to be trifled with, that the new administration was capable of responding sharply to challenges? Its moderation thenceforward would be more appreciated and, even more importantly, more likely to be reciprocated. No recent president has had such an opportunity to reassert American firmness with such a solid base of domestic support.

There was also a valid argument on the other side, not the erroneous concern for the sanctity of America's word but a dictate of prudence. The new administration had a more fundamental agenda before it: restoring America's defenses, alliances, and economic health, the basic conditions of our strength. It could not be eager to start a fresh presidency with another Iranian crisis, which inevitably would have ensued. With all its top personnel not yet even in place, it would have bought itself a period of sustained tension and risk. If any complications developed—if American claimants were hurt by the collapse of the arbitration scheme; if the U.S. allies' eagemess to resume ties with Iran deprived the United States of leverage needed for a new confrontation with Iran—the strong domestic approval would have quickly eroded. As in previous negotiations over Vietnam and SALT, the public mood can change quickly. Liberal critics would have reverted to form, crying "fiasco." It can

be exceedingly unhealthy and sometimes even fatal to begin an administration amid a cloud of accusations of incompetence—as President Carter's SALT initiative of March 1977 exemplifies.

The Reagan administration opted to avoid the near-term risks. It signaled as early as January 22 that it intended to comply with the accords—forgoing even the opportunity of playing ominously enigmatic while scrutinizing them. Thereby it did not avoid, but only postponed, the long-term responsibility that any new administration must face: to establish its credibility. All the more importance, therefore, rests now on its performance of the more basic task for which it freed itself: restoring this country's world position so that it will never have to endure such humiliation again.

NOTES

- The most interesting journalistic accounts are Pierre Salinger's investigation on ABC-TV on January 22 and 28, 1981 (praised by former President Carter for its accuracy), the latter version of which was inserted into the Congressional Record (daily edition) by Senator Edward Kennedy, February 6, 1981; Warren Christopher's interview with Bernard Gwertzman in the New York Times, January 28, 1981; an account by Bill Prochnau and Walter Pincus in the Washington Post, January 25, 1981; and the recent special issue of the New York Times Magazine, "America in Captivity: Points of Decision in the Hostage Crisis," May 17, 1981.
- New York Times Magazine, May 17, 1981, pp. 55-56; Reuters dispatch in the Los Angeles Times, November 13, 1979; New York Times, February 4, 1981, p. A15.
- 3. Lynne Olson, Baltimore Sun, November 15, 1979; Steven R. Weisman, New York Times, November 25, 1979.
- 4. William Beecher, Boston Globe, November 24, 1979.
- 5. Newsweek, December 3, 1979; New York Times Magazine, May 17, 1981, p. 83.
- Gwertzman, New York Times, December 6, 1979; Don Oberdorfer, Washington Post, December 6, 1979.
- 7. Only on November 9 did the United States announce suspension of deliveries of about \$300 million in military equipment and spare parts to Iran. On November 15, the Defense Department indicated it would continue the training in the United States of Iranian military personnel. It was terminated a week later.
- 8. Barry Rubin, Paved with Good Intentions: The American Experience in Iran (New York: Oxford University Press, 1980), p. 304.
- 9. Terence Smith, New York Times, February 27, 1980.
- Gwertzman, New York Times, January 18 and 23, 1980; John M. Goshko, Washington Post, January 20, 1980.
- 11. Goshko and Edward Walsh, Washington Post, January 15, 1980; Beecher, Boston Globe, January 15, 1980.
- Claudia Wright, "Implications of the Iraq-Iran War," Foreign Affairs, (Winter, 1980-81), 286. Most journalistic accounts of the hostage negotiation misleadingly date the Iran-Iraq war as beginning on September 22, 1980.