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11

15 November 1979

MEMORANDUM FOR THE RECORD

SUBJECT: Hughes-Ryan Finding on Proposed Iran Rescue Operation

1. On 15 November at 9:20 a.m. the DCI and I met with Dr. Brzezinski. Noting that contingency planning was moving forward on a possible Iran rescue operation, the DCI said we should begin to discuss legal constraints. -Specifically, it appeared to us that if our people became involved in providing support in the form of documentation to Delta force people being introduced into Iran this could fall under Hughes-Ryan. We were not sure, however, and thought it best to consult the Attorney General. (S)

2. Dr. Brzezinski emphatically stated that the President did not wish to have anybody else knowledgeable of this planning. He wondered why a finding was needed just for the purpose of providing documentation. I said the documentation was being provided for people who would be used for purposes other than the collection of intelligence. Dr. Brzezinski said this would not be the case since the early military people going in would be those providing intelligence and other support. In any event it would not be appropriate to consult the Attorney General at this time. (S)

3. Two hours later in a separate meeting the DCI raised the question of legal authority with Secretary of Defense Brown, asking if Defense planned to operate under the War Powers Act. Brown had obviously not given it a lot of thought, but said he believed that would be the case. We indicated that if the President did operate under the War Powers Act, this eliminated our legal problem with regard to Hughes-Ryan. (S)

[Redacted Signature]

Frank C. Carlucci  
Deputy Director of Central Intelligence

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cc: DCI (handcarried in sealed envelope)  
General Counsel "

[Redacted Box]

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