

Background

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Advancing Freedom in Iran

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Whether in Europe and the Far East during World War II or in Iraq and Afghanistan today, the United States has sacrificed greatly to advance the cause of freedom and democracy across the globe, but its greatest challenges on that front lie ahead. At the strategic center of the Middle East sits a despotic regime developing nuclear weapons that is led by a theocratic order of clerics and a president who openly courts the apocalypse. The United States currently faces few greater threats to its long-term security than Iran.

There is still an opportunity to bring about peaceful democratic change in Iran. The great majority of the Iranian people are deeply dissatisfied with the Iranian regime. If they could change the nature of their government, they would. The Iranian people's recent attempts to reform their government have been stymied by a repressive government that restricts freedom of speech, freedom of assembly, and freedom of the press.

A major obstacle to the advancement of freedom and democracy is the Iranian constitution, which institutionalizes Iran's despotic regime and restricts rather than protects the civil and political rights of the Iranian people. The United States should use its influence to pull together a coalition of dissident groups from the Iranian population under the single cause of holding a national referendum on drawing up a new constitution. Only when a representative, pluralistic government is in place in Tehran will U.S. security interests be ensured.

Talking Points

- Neither U.N. sanctions nor diplomacy will advance freedom and democracy in Iran, end Iran's support for terrorist organizations, or stop Iran from acquiring nuclear weapons.
- Actively supporting a peaceful democratic transformation of the Iranian government is in the national security interests of the United States.
- The Iranian constitution restricts individual and political rights and legitimizes a despotic government that consolidates all power and authority in the hands of an unaccountable clerical regime.
- A democratic transformation of the regime could be initiated from within Iran if the Iranian people were permitted to hold a nationwide referendum on the constitution (and if the regime respected the result), but this would require intense and irresistible pressure from the Iranian people, supported by the international community.
- The United States should therefore focus its funding and public diplomacy efforts toward supporting a national referendum on Iran's constitution.

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Promoting Freedom, Democracy, and Human Rights in Iran

Promoting freedom and democracy around the world, especially in places like Iran, is in the interests of the United States. Nations governed by democratic institutions are the most responsible members of the international community. Such nations protect the basic civil, political, and human rights of their citizens, including the individual liberties that form the basis of a free society—freedom of speech, religion, assembly, and the press.

Political rights, especially the rights of the political minority, are honored in democracies. Citizens are permitted to change their government, and the government submits to the will of the people. Democracies preserve and protect the lives of their people and administer justice fairly and evenhandedly. Those accused of crimes or held prisoner by democratic governments are treated humanely and are not punished in a cruel or unusual manner. Ethnic minorities living in democratic states enjoy the same rights and privileges held by all citizens.¹

Few nations are more in need of democratic reform than Iran. Iran is one of the greatest enemies of freedom and human rights in the world.² Dissidents and ordinary Iranian citizens who protest against Iran's hard-line clerical regime are routinely beaten, tortured, or killed or have their limbs amputated for such crimes as homosexuality, "insulting Islam," and photographing Tehran's notorious Evin prison.³

Iran represses—often violently—its ethnic Arab, Kurd, and Baluchi populations. The regime also oppresses its religious minorities. For example, it routinely detains, arrests, and interrogates members of the Baha'i community—acts that the U.N. General Assembly condemned in December 2005.⁴ While Christians and Jews are officially recognized and are "free to perform their religious rites and ceremonies," they continue to be harassed, arrested, and imprisoned by the regime. The rights of non-Muslims are protected as long as the non-Muslims "refrain from engaging in conspiracy or activity against Islam."⁵ Such protection must come as little consolation to non-Muslims who have seen their churches raided, church leaders detained, and worshippers harassed.⁶ Without outside support and assistance, the civil, religious, and political oppression of the Iranian people is unlikely to end soon.

Advancing and achieving freedom and democratic reform in Iran would not only benefit the Iranian people but also be in America's best interests. As the September 11 attacks demonstrated, the world is becoming a smaller place. U.S. security at home increasingly depends on the advancement of free and stable governments abroad.⁷ The combination of the Iranian regime's nuclear ambitions and its continuing sponsorship of transnational terrorism, including support for Hamas and Hezbollah, creates a deadly security situation for the United States.⁸ In contrast, a free and democratic Iran

1. For background, see The White House, "The National Security Strategy of the United States of America," March 2006, pp. 2–7, at www.whitehouse.gov/nsc/nss/2006/nss2006.pdf (March 16, 2007).
2. See Freedom House, *Freedom in the World 2006*, pp. 337–342, at www.freedomhouse.org/template.cfm?page=15&year=2006 (March 16, 2007), and Human Rights Watch, *World Report 2007*, pp. 463–468, at www.hrw.org/wr2k7/wr2007master.pdf (March 16, 2007).
3. Iranian-Canadian photographer Zahra Kazemi died in custody from a blow to the head after being arrested for taking photographs at Evin prison. Amnesty International, *Report 2006*, at <http://web.amnesty.org/report2006/irn-summary-eng> (March 16, 2007), and U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Iran," in *2005 Country Reports on Human Rights Practices*, March 8, 2006, at www.state.gov/g/drl/rls/hrrpt/2005/61688.htm (March 16, 2007).
4. Amnesty International, *Report 2006*; U.S. Commission on International Religious Freedom, *Annual Report 2006*, May 2006, pp. 187–188; and U.N. General Assembly Resolution 60/171, 60th Sess., paragraph 2(a), March 7, 2006.
5. Islamic Republic of Iran Constitution, Article 13 and Article 14. Hereafter cited as "Iranian Constitution."
6. U.S. Commission on International Religious Freedom, annual report for 2006, May 2006, p. 18, at www.uscirf.gov/countries/publications/currentreport/2006annualRpt.pdf (March 16, 2007).
7. For example, see Princeton Project on National Security, final report, *Forging a World of Liberty Under Law: U.S. National Security in the 21st Century*, Princeton University, Woodrow Wilson School of Public and International Affairs, September 27, 2006, at www.wps.princeton.edu/ppns/report/FinalReport.pdf (March 16, 2007).

would work with America to stabilize Iraq and support its transition to a pluralistic and accountable government, rather than funding Shiite militias and arming terrorists with deadly roadside bombs.⁹ A responsible Iranian government would not strive to undermine the Middle East peace process or harbor senior members of al-Qaeda.¹⁰

Iran's behavior on all of these fronts will persist as long as the status quo remains intact. Promoting the advancement of freedom, democracy, and human rights in Iran should therefore be a U.S. priority, not just for the benefit of the Iranian people, but also for the short-term and long-term security interests of the American people.

The Iranian Constitution

Any discussion about advancing freedom and democracy in Iran must begin with the Constitution of the Islamic Republic of Iran. The Iranian constitution and the regime it legitimizes are the greatest obstacles to democratic change. The constitution establishes a despotic government in which all power and authority are consolidated in the hands of an unaccountable clerical regime. Additionally, the constitution restricts individual and political rights, ensuring that the Iranian people cannot challenge the clerical regime's supremacy.

Constitutional Despotism. The Iranian constitution creates a façade of democracy and a semblance of a separation of powers. In reality, it institutionalizes the regime's revolutionary ideology by establishing "a religious theocracy in which absolute power and authority is wielded by the religious leaders who rose to power after the 1979 Islamic Revolution."¹¹ The constitution bestows supreme power upon an unaccountable clerical establish-

ment dominated by mullahs who rule according to Shari'a law—a construct of commandments and mandates that are incompatible with the fundamental principles of democracy.¹²

This "mullahcracy" is dominated by the "Supreme Leader," who is chosen for life by a body of Shiite clerics. The Supreme Leader possesses a vast array of powers under the constitution, including command of the armed forces, the power to declare war and peace, the power to appoint the Head of the Judicial Power and the head of the Iranian Broadcasting Corporation, and the power to dismiss the president.

In theory, the Iranian people directly elect the president. In reality, the clerical establishment controls the electoral process. All presidential candidates must be approved by the Guardian Council, which vets candidates for "strict allegiance to the ruling theocracy and adherence to Islamic principles."¹³ The ascendance of the revolutionary radical Mahmud Ahmadinejad in the 2005 presidential election was engineered by the mullahcracy. As a result, the president of Iran cannot be said to have been elected through a fair and democratic process.

In the constitution, the Islamic Consultative Assembly (the Iranian parliament) appears to be the single bastion of democracy within the government. Under the surface, however, the parliament operates at the whim of the Supreme Leader and his minions.

Recent attempts to establish a more moderate and reformist government resulted in a major backlash from the mullahcracy. In the 2000 parliamentary elections, the reformist parties won a majority of the seats, and reformist President Mohammad

8. See U.S. Department of State, Office of the Coordinator for Counterterrorism, *Country Reports on Terrorism 2005*, April 2006, p. 173, at www.state.gov/documents/organization/65462.pdf (March 16, 2007).
9. Michael R. Gordon, "The Struggle for Iraq: Deadliest Bomb in Iraq Is Made by Iran, U.S. Says," *The New York Times*, February 10, 2007, p. A1.
10. Faye Bowers, "Iran Holds Al Qaeda's Top Leaders," *The Christian Science Monitor*, July 28, 2003, at www.csmonitor.com/2003/0728/p01s02-wome.html (March 16, 2007), and U.S. Department of State, *Country Reports on Terrorism 2005*, p. 173.
11. Hormoz Hekmat, "The Constitution of the Islamic Republic Has Completely Blocked the Path for Any Real Reform," *Gozaar*, February 2007, at www.gozaar.org/template1.php?id=434 (March 16, 2007).
12. For example, see European Court of Human Rights, *Refah Partisi et al. v. Turkey*, February 13, 2003, at www.echr.coe.int/Eng/Press/2001/July/RefahPartisi2001jude.htm (March 16, 2007).
13. Iranian Constitution, Article 110, and Freedom House, *Freedom in the World 2006*, p. 339.

Khatami was reelected in 2001. However, Supreme Leader Ayatollah Ali Khamenei successfully rolled back the reform movement, using strong-arm tactics to influence elections in 2003, 2004, and 2005. For example, in the 2004 parliamentary elections, the Guardian Council disqualified almost 3,600 reformist candidates from standing for office, even though 87 of them were incumbent members of parliament. This maneuver allowed the hard-liners to win back a majority in the parliament and select Gholam Ali Haded-Adel (a relative of the Ayatollah by marriage) as its speaker.¹⁴ Given these circumstances, the Iranian parliament is clearly not a democratic body.

In reality, whether the parliament is controlled by reformists or by conservatives may make little difference. Any legislation passed by the parliament must be approved by the Guardian Council, which can reject legislation if it is incompatible with Islam. Unsurprisingly, the 12-member Guardian Council is stacked with men who owe their allegiance to the Supreme Leader, who under the constitution appoints six clerics to the council. The parliament selects the other six members from a pool of jurists nominated by the Head of the Judicial Power, who is also appointed by the Supreme Leader.¹⁵ The council regularly rejects laws passed by parliament. For example, in January 2003, the council rejected as “anti-Islamic” a bill that would have eased the restrictions on the public’s access to satellite television.¹⁶

Furthermore, the Supreme Leader apparently does not need to rely on the Guardian Council to quash unwanted legislation. In August 2000, after reformist parties won a majority of the seats, the parliament scheduled a debate on the Press Law. Apparently unwilling to part with the Press Law’s restrictions on the press, Supreme Leader Ayatollah

Khamenei sent a letter to the parliament ordering it to stop the debate and remove the issue of amending the Press Law from its agenda, which the parliament did.¹⁷ Khamenei’s ability to squelch debate over the Press Law demonstrates the Supreme Leader’s unrivaled power within the regime.

An Anti-Bill of Rights. The advancement of freedom and democratic reform is likewise undermined by the severe restrictions placed on civil and political rights, including restrictions that are contained in the Iranian constitution. While the U.S. Constitution and Bill of Rights protect the American people from government intrusion and safeguard their fundamental rights, the Iranian constitution serves as a legal basis for the regime to oppress, in the name of Islam, the very rights that it professes to protect. Among the many rights restricted by the constitution are those that would empower the Iranian people to change their own government: freedom of the press, freedom of assembly, and freedom of association.

Few rights are more crucial to checking the power of government than the freedom to criticize its actions and express political opinions in the press. The ability to voice one’s opinion to the general public in the press without fear of censorship or punishment is a defining right in a free society. Regrettably for the Iranian people, the Iranian constitution curtails this right rather than protects it. Specifically, the constitution allows freedom of the press except “when it is detrimental to the fundamental principles of Islam or the rights of the public.”¹⁸

In practice, the mullahcracy severely restricts the press. Since 2000, the Iranian government has forcibly closed or banned more than 100 publications (primarily reformist newspapers and journals). Additionally, a regime-controlled technology com-

14. Kenneth Katzman, *Iran: U.S. Concerns and Policy Responses*, Congressional Research Service Report for Congress, January 5, 2007, pp. 3–4.

15. Iranian Constitution, Article 91.

16. See U.N. High Commissioner for Refugees, “Chronology of Events in Iran, January 2003,” p. 10, at www.unhcr.org/home/RSDCOI/4032449b4.pdf (March 16, 2007).

17. Press release, “Ali Khamenei Proves Once Again That He Is One of the Most Dangerous Predators of Press Reform,” Reporters Without Borders, August 7, 2000, at www.rsf.org/rsf/uk/html/mo/cplp/cp/070800.html (March 16, 2007), and Mansour Jafarian, “Constitution, Government & Legislation,” *Jurist*, at <http://jurist.law.pitt.edu/world/iran.htm#Government> (March 16, 2007).

18. Iranian Constitution, Article 24.

pany recently announced plans to block access to 10 million “unauthorized” Web sites.¹⁹

The Press Law. The Iranian regime has codified and institutionalized its authority to repress the media in the vaguely worded Press Law, which authorizes criminal prosecution of journalists who publish anything that is contrary to Islamic principles. For example, insulting Islam in the press may constitute apostasy, which is punishable by death.²⁰

This odious law is enforced by special “press courts” that monitor print media and regularly revoke the licenses of newspapers for such offenses as “insulting Islam,” “making anti-government propaganda,” or “damaging the foundations of the Islamic Republic.” Iranian journalists, editors, bloggers, and publishers have been harassed, interrogated, arrested, imprisoned, and even killed for writing controversial articles or for merely taking photographs that cast the regime in a poor light.

Finally, the regime prohibits private ownership of television or radio stations and force-feeds its official political and religious viewpoints to the Iranian citizenry through its monopoly of the broadcast media. Unsurprisingly, Iran ranked 162 out of 168 countries in terms of press freedom in the 2007 annual report of Reporters Without Borders. Only regimes such as North Korea, Burma, China, and Cuba ranked below Iran in the survey.²¹

Restricted Freedom of Assembly. Almost as important as the freedom of the press in terms of seeking redress from the government is the right to assemble peacefully. Freedom of assembly is per-

mitted under the Iranian constitution, provided that any marches or public gatherings “are not detrimental to the fundamental principles of Islam.”²²

In practice, Iranian citizens—whether journalists, civil rights activists, or other activists who peacefully assemble to express their views—are violently repressed by the regime. Ansar-e Hezbollah, a fundamentalist vigilante group unofficially sanctioned by the mullahcracy, regularly cracks down on peaceful assemblies with sticks and chains.²³ Women who peacefully assembled to commemorate International Women’s Day in March 2006 were beaten by security forces. Other protestors and human rights defenders have been beaten, subjected to mock executions, tortured, and persecuted.²⁴ Peaceful protests by students and workers are regularly put down by the regime.²⁵

Iranians are also restricted in their choice to form associations, groups, and organizations, such as political parties, human rights activists, student groups, religious minorities, and other civil society groups and non-governmental organizations. Under the Iranian constitution, associations are permitted “provided they do not violate...national unity, the criteria of Islam, or the basis of the Islamic Republic.”²⁶

The Iranian regime enforces the constitutional restriction of freedom of association for its own narrow political purposes. For example, in August 2006, the regime declared illegal the Defender of Human Rights Center (the leading human rights organization in Iran, headed by Nobel Peace Prize–

19. Human Rights Watch, *World Report 2007*, p. 463.

20. Islamic Republic of Iran Constitution, Press Law, ratified March 19, 1986, Article 26, at www.parstimes.com/law/press_law.html (March 16, 2007).

21. Amnesty International, *Report 2006*; Freedom House, *Freedom of the Press 2006*, at www.freedomhouse.org/template.cfm?page=251&year=2006 (March 19, 2007); Freedom House, *Freedom in the World 2006*, p. 340; Human Rights Watch, *World Report 2007*; Reporters Without Borders, *2007 Annual Report*, 2007, pp. 138–139, at www.rsf.org/IMG/pdf/rapport_en_bd-4.pdf (March 19, 2007). See also U.N. General Assembly Resolution 60/171, paragraph 2(a).

22. Iranian Constitution, Article 27.

23. Freedom House, *Freedom in the World 2006*, p. 341, and Human Rights Watch, “Assault on Iranian Students Condemned,” July 13, 1999, at www.hrw.org/english/docs/1999/07/13/iran958.htm (March 19, 2007).

24. Human Rights Watch, *World Report 2007*, and U.N. General Assembly Resolution 60/171, paragraphs 2(a) and 2(c).

25. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “Iran,” in *2005 Country Reports on Human Rights Practices*.

26. Iranian Constitution, Article 26.

winner Shirin Ebadi) for various activities, including reporting human rights violations in Iran and providing free legal defense to political prisoners.²⁷

In sum, the Iranian constitution and the regime it legitimizes are the primary obstacles to the advancement of freedom, democracy, and human rights in Iran. Without a major revision of the Iranian constitution, the situation in Iran has little to no chance of improving.

No Viable Amendment Process. Amending the Iranian constitution to remove the restrictions on individual rights and revise the undemocratic structure of the government is not a realistic option for the Iranian people. First, only the Supreme Leader—not the people or the parliament—can initiate proceedings to amend the constitution,²⁸ and Supreme Leader Ayatollah Khamenei has shown no inclination to amend the constitution for any reason, much less to make the Iranian government more democratic and accountable to the Iranian people. The ruling mullahcracy views the constitution as the foundation of the Islamic Republic and its mechanism for maintaining complete dominance over the Iranian people. The regime would view any attempt to revise its terms, especially its core Islamic principles, as a conspiracy by the enemies of the Islamic revolution.²⁹

Indeed, the Iranian constitution has been revised only once, in 1989, by order of Ayatollah Ruhollah Khomeini to determine the process of succession for the next Supreme Leader. In that instance, all of the members of the council charged with revising the constitution were selected by Khomeini.³⁰ The results of the 1989 revision of the constitution were predictable: The power of the Supreme Leader was consolidated to give him final authority on all matters of foreign and domestic policy.³¹

Additionally, the section of the constitution relating to its revision specifically forbids amending vir-

tually every part of the constitution that is objectionable to advocates of freedom and democracy, including “the Islamic character of the political system,” “the basis of all the rules and regulations according to Islamic criteria,” “the religious footing,” and “the holy principle.” The constitution declares that these provisions are “unalterable.”³² Even in the unlikely event that the Supreme Leader decided to open the constitution to amendment, its most problematic provisions are specifically protected from revision.

Options for Advancing Freedom, Democracy, and Human Rights in Iran

Given the despotic nature of the Iranian regime and the status of civil and political rights under the Iranian constitution, the prospect of advancing freedom, democracy, and human rights in Iran is daunting. The regime cannot be taken at its word that it will not build nuclear weapons, and no amount of inspections by the International Atomic Energy Agency will guarantee that the mullahs will not continue their efforts to become a nuclear power. Regardless of the outcome of the nuclear crisis, resolving the nuclear issue will do nothing to advance freedom in Iran.

Unrealistic Diplomatic “Grand Bargains.” Many experts argue that the United States and its allies should undertake a comprehensive diplomatic initiative with Iran, referred to by some as a “grand bargain.”³³ Such an initiative would proceed through an agreed framework similar to the 1972 Shanghai Communiqué, which established a structure for negotiations between the United States and China.

In addition to resolving the nuclear crisis, the framework approach aspires to address every other major dispute that currently exists between Iran and the United States, including but not limited to the Middle East peace process; Iran’s support for ter-

27. Human Rights Watch, *World Report 2007*.

28. Iranian Constitution, Article 171.

29. See Mehrdad Mashayekhi, “How Can We Change the Constitution? Is This the Central Question?” *Gozaar*, February 2007, at www.gozaar.org/template1.php?id=433 (March 19, 2007).

30. *Ibid.*

31. Freedom House, *Freedom in the World 2006*, p. 337.

32. Iranian Constitution, Article 171.

rorist groups; and Iran's destabilizing actions in Iraq, Lebanon, and the broader Middle East. The framework approach is laced with economic incentives and mutually beneficial assurances designed to bring a peaceful resolution to every aspect of Iran's bad behavior in the international arena. Notably absent from these grand bargain strategies are provisions for the advancement of freedom, democracy, and human rights in Iran.

While these major diplomatic initiatives are impressive in their breadth and depth, they are hopelessly unrealistic. They assume that some package of incentives will dissuade Iran from pursuing goals that define the Iranian regime—the pursuit of nuclear weapons, support for terrorism in Lebanon and the Palestinian territories, and the preservation of an Islamic government run by hard-line clerics. All appearances indicate that Iran is unwaveringly determined to possess nuclear weapons for international prestige, to acquire regional dominance, to deter the regime's enemies, and to ensure the mullahcracy's survival.

The regime is unlikely to bargain away its nuclear weapons. No inducement from the United States or Europe could persuade Iran to stop supporting Hezbollah, Hamas, Islamic Jihad, and other terrorist groups. Suggesting that Iran will negotiate in good faith about the Middle East peace process is overly optimistic when its president has stated that Iran “cannot compromise over the issue of Palestine,” Israel “must be wiped off the map,” and “Zionists are the true manifestation of Satan.”³⁴

The recommendations advanced in diplomatic framework approaches also will not solve Iran's constitutional dilemma and therefore will do little to nothing to advance freedom, democracy, and human rights for the Iranian people. The framework approaches explicitly reject any notion that the nature of the Iranian regime should be challenged. For example, one study states, “For a grand bargain to be possible, the United States should clarify that it is not seeking a change in the nature of the Iranian regime, but rather changes in Iranian behavior and policies.”³⁵ A second framework initiative states, “In dealing with Iran, the United States should relinquish the rhetoric of regime change” and instead communicate “that the United States favors political evolution: the long-range vision is an Iran that ushers in democracy itself in a meaningful and lasting manner.”³⁶

The freedom of the Iranian people should not be so cavalierly discounted in the vain hope that the Iranian regime will make concessions on its nuclear program. It is in U.S. interests to advance democracy in Iran as soon as practicable, not just as part of a “long-range vision.” Prior instances of similar diplomatic missteps lent political cover and economic support to the Soviet Union, helping to perpetuate its oppression of hundreds of millions. Over a billion Chinese still suffer under an authoritarian Communist regime in the name of détente. The United States should not repeat past mistakes by supporting authoritarian regimes and breeding resentment among people throughout the broader Middle East.

33. See Ted Galen Carpenter, “Iran's Nuclear Program: America's Policy Options,” Cato Institute *Policy Analysis* No. 578, September 20, 2006, at www.cato.org/pubs/pas/pa578.pdf (March 19, 2007); Independent Task Force, *Iran: Time for a New Approach*, Council on Foreign Relations, July 2004, at www.cfr.org/content/publications/attachments/Iran_TF.pdf (March 19, 2007); and Flynt Leverett, “Dealing With Tehran: Assessing U.S. Diplomatic Options Toward Iran,” *Century Foundation Report*, December 4, 2006. The Independent Task Force report rejects a grand bargain in favor of selective but comprehensive engagement.

34. Mahmoud Ahmadinejad, speech at “The World Without Zionism” conference, Tehran, October 26, 2005, at www.nytimes.com/2005/10/30/weekinreview/30iran.html (March 19, 2007), and Deutsche Presse-Agentur, “Ahmadinejad in Sudan: ‘Zionists Are the True Manifestation of Satan,’” *Haaretz*, March 1, 2007, at www.haaretz.com/hasen/spages/832229.html (March 19, 2007).

35. Leverett, “Dealing With Tehran,” p. 20.

36. Independent Task Force, *Iran*, p. 42. See also Ray Takeyh, “Time for Détente with Iran,” *Foreign Affairs*, Vol. 86, No. 2 (March/April 2007), and Joseph Cirincione and Andrew Grotto, *Contain and Engage: A New Strategy for Resolving the Nuclear Crisis with Iran*, Center for American Progress, March 2007, pp. 27–30 and 46, at www.americanprogress.org/issues/2007/02/pdf/iran_report.pdf (March 19, 2007). Cirincione and Grotto support a “contain and engage” strategy, arguing that “over the long-term, it could plant[sic] the seeds of democratic change in Iran.”

Bringing Democratic Change to Iran. Put simply, the current political system in Iran does not allow for peaceful democratic change. The mullahcracy's power to quash dissent and repress political rights and individual liberties is seemingly limitless. This reality places advocates of freedom, human rights, and democratic reform in a thorny Catch-22: The status quo in Iran cannot be improved without a major revision of the Iranian constitution, but the Iranian constitution cannot be amended without a change in the status quo.

The people of Iran recently attempted to change their political situation by electing reformist parliamentarians, only to have the Supreme Leader reverse their modest gains. The Iranian people are practically powerless, while the authority of the Supreme Leader and the Guardian Council is almost absolute. The formal and legal identity of the regime is the Iranian constitution—a Gordian knot that must be cut before democratic reform can take root.

The Iranian people have no power to initiate proceedings to amend their own constitution. That power is reserved exclusively to the Supreme Leader. The constitution must therefore be revised by other means, either by transformation of the regime from within or by transformation of the regime from without. A democratic transformation of the regime could be initiated from within Iran if the Iranian people were permitted to hold a nationwide referendum on the constitution (and if the regime respected the result). Without support from outside of Iran, however, proponents of democracy inside Iran risk the fate of those who died in Tiananmen Square in 1989. Only intense and irresistible pressure from the Iranian people, supported by the international community, could possibly persuade the mullahcracy to allow such a referendum.³⁷

The Iran Freedom Support Act, passed in September 2006, codified existing U.S. sanctions against Iran and authorized funds for the promotion of democracy.³⁸ Regrettably, the act stated that U.S. policy was merely “to support efforts by the people of Iran to exercise self-determination over the form of government of their country.” As an official policy position, this statement rings hollow. The United States supports the efforts of the people of *every nation in the world* to exercise self-determination over their form of government.

Instead, the U.S. government should state explicitly what the Iran Freedom Support Act only implies: The United States supports a peaceful democratic transformation of the Iranian regime.

Words matter. When President Ronald Reagan called the Soviet Union an “evil empire” in 1983, it mattered a great deal to many who were suffering under Soviet rule.³⁹ President John F. Kennedy's words mattered when he said in 1961, “We stand for freedom. That is our conviction for ourselves—that is our only commitment to others.”⁴⁰ The controversy over the war in Iraq should not cow the United States into being afraid to directly challenge regimes as repugnant as the Iranian mullahcracy.

The only chance for a successful transformation of the Iranian regime is for the change to originate from the greatest enemy of Iran's despotic mullahcracy—the Iranian people themselves. If the Iranian people are to prevail, they must be given the necessary tools and support.

What the United States Should Do

The United States should pursue several avenues to provide the necessary tools and support to the Iranian people.

Support for a Referendum on Iran's Constitution. The regime's human rights violations and its

37. Mohsen Sazegara, “Changing the Constitution Is the Only Democratic and Non-Violent Way to Transform Iran,” *Gozaar*, February 2007, at www.gozaar.org/template1.php?id=432 (March 19, 2007).

38. Iran Freedom Support Act, Public Law 109-293.

39. Natan Sharansky and Ron Dermer, *The Case for Democracy: The Power of Freedom to Overcome Tyranny and Terror* (New York: PublicAffairs, 2004), p. 138.

40. John F. Kennedy, “Special Message to the Congress on Urgent National Needs,” address to a joint session of the U.S. Congress, May 25, 1961, at www.jfklibrary.org/Historical+Resources/Archives/Reference+Desk/Speeches/JFK/003POF03NationalNeeds05251961.htm (March 20, 2007).

repression of civil and political rights are merely symptoms of Iran's constitutional disease. The Iranian constitution is a cancer that must be excised. The United States should therefore direct its funding and public diplomacy efforts toward supporting a national referendum on Iran's constitution, overseen by international observers.⁴¹ Through the Middle East Partnership Initiative, the Administration should use funding under the Iran Freedom Support Act to:

- **Assist** the dissident community in establishing a Rainbow Civil Movement to unite the various groups interested in constitutional reform, such as women, students, intellectuals, workers, private business owners, ethnic and religious minorities, and the middle class.⁴²
- **Support** dissemination within Iran of articles, literature, treatises, and other information promoting a referendum on the constitution.
- **Provide** training for Web site creation and maintenance to the dissident community to expand its Internet outreach. This effort should include software and anti-filtering technology to counter on-line censorship.
- **Covertly provide** secure cellular phones and other communications devices to Iranian dissidents to aid in their organizational activities.

Legislation Supporting Regime Transformation. Any future congressional legislation relating to Iran should clearly state that the United States supports a democratic transformation of the Iranian regime. The mullahcracy headed by Supreme Leader Ayatollah Khamenei and the Guardian Council is illegitimate and should be treated accordingly. The legislation should state unambiguously that the United States seeks a peaceful change of Iran's form of government and constitution through a national referendum, not merely a change in Iran's leader-

ship. There are no enlightened mullahs waiting in the wings to lead Iran to a bright, democratic future.

Public Diplomacy. Only when the Iranian people feel solidarity with the free world will they generate the momentum required to break free from their isolation. The United States should continue its efforts to reach the Iranian people through radio and television.

Radio Farda broadcasts news programming in Farsi into Iran, but it also airs a great deal of popular music. To be more effective, Radio Farda should instead commit a large percentage of its broadcast to serious analysis and programming relating to history, culture, religion, economics, and law, especially human rights, democracy, and the Iranian constitution.⁴³ As an alternative, a second 24-hour station could be established for this purpose. Funding should also be provided for the purchase and distribution of satellite radio receivers within Iran to widen the potential audience.

Strengthened and Consolidated Financial Pressure. The U.S. Treasury Department, which has banned institutions and individuals in the United States from doing business with certain Iranian banks, should expand on these successful efforts to squeeze Iran financially. Bans on Bank Sepah and Bank Saderat have already shown positive results, in contrast to the U.N. Security Council's toothless sanctions.

The United States should also continue to press its European allies and Japan to apply economic pressure on Iran outside of the U.N. framework. European nations—especially Germany, France, and Italy—should apply massive pressure on the Iranian regime by ending government-backed export guarantees and by restricting investment.⁴⁴

No Security Guarantees. The United States should not give Iran any comprehensive security

41. The United States should not be perceived by the Iranian people as interfering in its affairs, which is generally unwelcome. For the best chance of success, all initiatives in Iran should be pursued without great fanfare. See Karl Vick and David Finkel, "U.S. Push for Democracy Could Backfire Inside Iran," *The Washington Post*, March 14, 2006, p. A1, at www.washingtonpost.com/wp-dyn/content/article/2006/03/13/AR2006031301761.html (March 19, 2007).

42. See Mehrdad Mashayekhi, "How Can We Change the Constitution? Is This the Central Question?" *Gozaar*, February 2007.

43. See S. Enders Wimbush, "Understanding the Iran Crisis," testimony before the Committee on Foreign Affairs, U.S. House of Representatives, January 31, 2007, at <http://foreignaffairs.house.gov/110/wim013107.htm> (March 19, 2007), and Ilan Berman, "On Message in Iran," *The American Spectator*, March 1, 2006, at www.spectator.org/dsp_article.asp?art_id=9470 (March 19, 2007).

guarantee (a common element of the “grand bargain” approach).⁴⁵ As part of the negotiations over Iran’s nuclear program, the regime will likely demand that the United States abandon all efforts to advance democratic change in Iran. Whatever diplomatic approach is pursued in connection with Iran’s nuclear program, the United States should retain the right to promote freedom and democracy peacefully within Iran.

Conclusion

With the world focusing on the negotiations regarding Iran’s nuclear program, it is tempting to relegate the pursuit of a free and democratic Iran to secondary or tertiary status, if not to abandon it altogether. While the realities of the ongoing nuclear dispute necessitate placing the goal of

advancing democracy in Iran within a broader context, promoting freedom in Iran should not be completely discarded in favor of resolving the Iranian nuclear issue.

Even in the remote circumstance that Iran agrees to refrain from building nuclear weapons, the regime will remain the world’s leading sponsor of international terrorism and will likely continue its efforts to destabilize Iraq. The United States needs to work diligently to resolve the nuclear crisis, but not at the expense of condemning future generations of Iranians to perpetual oppression.

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44. Steven R. Weisman, “Europe Resists U.S. Push to Curb Iran Ties,” *The New York Times*, January 30, 2007, p. A1; editorial, “Europe and the Mullahs,” *The Wall Street Journal*, February 20, 2007, at www.opinionjournal.com/editorial/feature.html?id=110009689 (March 19, 2007); and James Phillips, “Don’t Count on the Security Council to Curb Iran’s Nuclear Ambitions,” Heritage Foundation *WebMemo* No. 1370, February 26, 2007, at www.heritage.org/Research/MiddleEast/wm1370.cfm.

45. Leverett, “Dealing With Tehran,” p. 20, and Carpenter, “Iran’s Nuclear Program,” p. 12.