

Elections and Governmental Structure in Iran: Reform Lurks Under the Flaws

WILLIAM O. BEEMAN
Professor
Brown University

WASHINGTON POLITICIANS AND THE PRESS have cultivated, among Americans, the impression that Iran is a “theocracy” with no democratic institutions. Ignorance grows as the conflict in Iraq escalates, and the Bush administration continuously looks to blame Iran for U.S. failures. Larry Diamond, a scholar at the Hoover Institution who advised the Coalition Provisional Authority in Iraq (CPA), told the Inter Press Service that the Mahdi Army of young cleric Muqtada al-Sadr, and other Shia militias (which, at the moment are giving Coalition forces a very hard time in Iraq) are being armed and financed by Iran with the aim of imposing “another Iranian-style theocracy.”¹ Diamond’s comments were reiterated by another Coalition Provisional Authority Advisor, Michael Rubin.² The story was echoed by influential New York Times conservative columnists William Safire and David Brooks, further compounding the misinformation.³ The claim is simply untrue. No official body in Iran is supporting al-Sadr and the idea that al-Sadr could ever dream of imposing an “Iranian-style theocracy” is absurd. Nevertheless, the impression that Iran has nothing even resembling democratic institutions makes the neoconservative claims more believable to many Americans, who know nothing of Iran and who are fearful of Islamic attacks on Western culture.

The very appellation “theocracy” is in itself misleading and shows a poor understanding of the governmental structure that was set up following the Iranian revolution of 1978-1979. Moreover, contrary to neoconservative implications, the original government of the Islamic Republic of Iran was not “imposed” by anyone. It was estab-

WILLIAM O. BEEMAN is Professor of Anthropology and Director of Middle East Studies at Brown University. He has served as consultant to the U.S. State Department, the Department of Defense and has testified before Congress. He is author of *Language, Status and Power in Iran* (Indiana, 1986) and the forthcoming *Double Demons: Cultural Impediments to U.S.-Iranian Understanding* (Praeger).

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lished through an electoral process following the Iranian Revolution. Iranians may regret having ratified the constitution they did, but they follow its provisions assiduously. Every election in Iran in the last twenty years has been free, and has followed the prescribed electoral process to the letter. The problems that have arisen in the country are related to the fact that half of the institutions in the Iranian government are unelected, and these institutions have veto power over the elected institutions. Furthermore, the army and the judiciary are both controlled by these unelected bodies. However, this would not be a problem, except for the fact that those occupying positions in these unelected bodies are by and large the most conservative religionists in Iran. Therefore, problems with government in Iran stem not from the system of government, but rather from the political bent of those that occupy positions of power in the government.

An accurate picture of Iranian electoral institutions helps in assessing both their strengths and weaknesses, and puts aside the notion that Iran is some kind of theocratic dictatorship. Consequently, I present here a sketch of the Iranian electoral procedure, the main governmental institutional bodies in Iran, and some of the underlying dynamics of political life in Iran today.

THEOCRACY

2

The Iranian form of government is unique. Although it is intrinsically bound up with Shi'a religious philosophy, to merely label it a "theocracy" is to miss both the characteristics that set it apart from other governmental institutions, and the characteristics that make it unlikely to be adopted anywhere else in the world.

Shi'a Islam differs from Sunni Islam in a number of historical and philosophical ways. One important difference is that Sunni Islam is organized into legal "schools." Shi'ism is dependent on individual personalities—*marja-e-taqlid*. There is no formal clergy in Islam. Anyone (male or female) can study theology, and technically any Muslim can lead prayer or offer religious opinions.

The Shi'a system is based on consensus. When a person is known for their knowledge and wisdom, they are a *faqih*, or "jurisprudent." A very prominent *faqih* is known as a *Mujtahid*, or "practitioner of exegesis." Such people are trusted to interpret Islamic law. When such a person, due to his (or her) superior leadership qualities and knowledge becomes a focal point for a following, and prominent religious persons endorse the views of that *Mujtahid*, then the *Mujtahid* becomes a *Marja-e-Taqlid*. Technically, a *Marja-e-Taqlid* is a "Grand Ayatollah" in common parlance.⁵

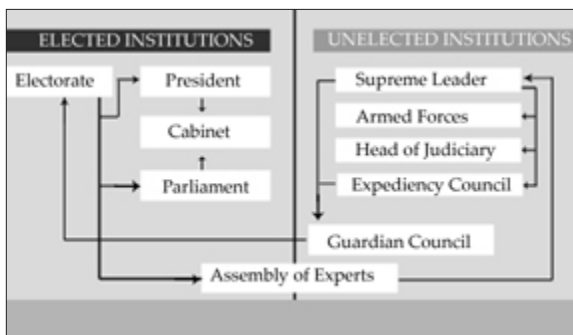
Ithna-Ashara Shi'ism, or "Twelver" Shi'ism, is the dominant doctrine in Iran. Its name derives from adherents' belief in twelve Imams, who were leaders of the faithful and direct descendants of the Prophet Mohammad. The twelfth Imam, Mohammad

al-Mahdi, disappeared in infancy. He is said to be in “occultation” until the end of the world. In the meantime, adherents to the Twelver Shi’a doctrine are technically without a present leader.

Grand Ayatollah Ruhollah Khomeini, who at the time of the Iranian Revolution was the Marja-e-Taqlid with the largest number of followers in the Twelver Shi’a world, introduced a completely new doctrine: the Velayat-e-Faqih or “Regency of the Jurisprudent.” According to this doctrine, the most prominent Grand Ayatollah would rule over the faithful in the absence of the Twelfth Imam, thus becoming the supreme leader. Ayatollah Khomeini’s doctrine was rejected by every other Grand Ayatollah. Traditionally Shi’a spiritual leaders had eschewed temporal power, and many felt that Khomeini’s innovation was heretical. Nevertheless, his charisma and leadership skills were sufficient to convince the Iranian electorate to ratify a constitution granting the unelected Supreme Leader power over all aspects of government.

IRANIAN GOVERNMENTAL STRUCTURES

Once the supreme leader was in place, other governmental institutions flowed from this office. Initially, the supreme leader was intended to be a remote figure, intervening



to resolve questions of government and national leadership only when other means failed. As the early years of the Islamic Republic devolved into internal factionalism between moderate and conservative factions, Khomeini found himself having to intervene more and more. Over time,

the institutions of the Iranian State came to be distributed according to the schema indicated Figure 1. As shown in this chart, the supreme leader controls directly or indirectly almost every aspect of government. However, the supreme leader is, himself, chosen by an Assembly of Experts, who are elected by the people.

The Electorate

Voting rates are typically high in Iran. In the parliamentary elections of 2000, around seventy percent of voters cast ballots. In the presidential election of 2001, voter participation was nearly eighty percent. In the 2004 parliamentary elections, the rate fell to

just above fifty percent despite a call on the part of reformers to boycott the elections. Participation in Tehran was around thirty percent, showing both the effect of the urban dwellers' disaffection, but also showing that rural voters continued to vote at high rates.

Of a total population of about sixty-five million, more than forty-six million people are eligible to vote and some eight million of these were born after the 1979 revolution, and women and young people increasingly make up the majority of voters. The gap between male and female literacy has narrowed among the younger generation. Women now make up an estimated sixty percent of students enrolling in higher education, although the number of women working remains well below the number of men. Women have had the vote since 1963, and there are currently thirteen female members of the parliament. Youth and women were the main bloc of voters who brought reformist Mohammad Khatami the presidency in 1997, and through their support, Advocates of reform have also come to dominate the parliament. However, reformists have not had it all their own way in elections. Conservative candidates made a comeback—aided by low voter turn-out in local council elections in March 2003. This was a harbinger of the February 2004 elections, where conservatives won decisively.

Unelected Bodies

4

Supreme Leader. The role of the supreme leader in the constitution is based on the ideas of Ayatollah Khomeini. The supreme leader, currently Ayatollah Ali Khamene'i, appoints the head of the judiciary, six of the members of the powerful Guardian Council, the commanders of all the armed forces, Friday prayer leaders, and the head of radio and television. He also confirms the election of the president. The supreme leader is chosen by the clerics who make up the Assembly of Experts. Tensions between the office of the leader and the office of the president have often been the source of political instability. These tensions have increased since the election of President Mohammed Khatami—a reflection of the deeper tensions between religious rule and the democratic aspirations of most Iranians.

Armed Forces. The armed forces are made up of the Revolutionary Guard and the regular forces. The Revolutionary Guard was formed after the revolution to protect the new leaders and institutions and to fight those opposing the revolution; today it has a powerful presence in other institutions, and controls volunteer militias with branches in every town. While the two bodies were once separate, the army under the control of the president, and the Revolutionary Guard under the control of the supreme leader, during the administration of President Hashemi Rafasanjani, both bodies were placed under a joint general command under the direction of the supreme leader. Today, all leading army and Revolutionary Guard commanders are appointed by the supreme

leader and are answerable only to him.⁶

Head Of Judiciary. The Iranian judiciary has never been independent of political influence. Until early in the twentieth Century it was controlled by the clergy, and after the revolution the Supreme Court revoked all previous laws that were deemed un-Islamic. New laws based on Shari'a law—derived from Islamic texts and teachings—were introduced soon after.

The judiciary ensures that the Islamic laws are enforced and defines legal policy. It also nominates the six lay members of the Guardian Council (see below). Ayatollah Mahmoud Hashemi Shahruudi is the current head of the judiciary, and is appointed by, and reports to, the supreme leader. As in the United States, different judges interpret the law according to their own judgments. In recent years, the hardliners have used the judicial system to undermine reforms by imprisoning reformist personalities and journalists and closing down reformist papers.

Expediency Council. The council is an advisory body for the Leader with ultimate adjudicative power in disputes over legislation between the parliament and the Guardian Council. The supreme leader appoints its members, who are prominent religious, social, and political figures. Its present chairman, former President Hashemi Rafsanjani, has turned it into an influential strategic planning and policymaking body. Because it “mediates,” it has allowed Hashemi Rafsanjani to actually initiate policy, since he can provide some guarantee that they will pass. As an example of its work, the Guardian Council demanded in June of 2003 that the Majles rewrite certain provisions of its newly passed election law. The Majles refused, and the bill was referred to the Expediency Council. In effect, the Expediency Council then had the power to shape the bill as it saw fit.⁵

Elected Bodies

Assembly of Experts. The responsibilities of the Assembly of Experts are to appoint the supreme leader, monitor his performance and remove him if he is deemed incapable of fulfilling his duties. The assembly usually holds two sessions a year. Direct elections for the eighty-six members of the current assembly were last held in 1998. Only clerics can join the assembly and candidates for election are vetted by the Guardian Council. The assembly is dominated by conservatives, such as its chairman, Ayatollah Ali Meshkini. The key role is played by Deputy Chairman Ali Akbar Hashemi-Rafsanjani, a former President, who also heads the Expediency Council (see above).

President. The president is elected for four years and can serve no more than two consecutive terms. While most nations in the Middle East, have continually elected leaders

“for life,” Iran, by contrast, has adhered strictly to presidential term limits. Nevertheless, former presidents have frequently been “recycled” into other leadership positions—the foremost being former President Ali Akbar Hashemi Rafsanjani, who is Deputy Leader of the Assembly of Experts, and head of the Expediency Council. The constitution describes the president as the second-highest ranking official in the country. He is head of the executive branch of power and is responsible for ensuring the constitution is implemented. Presidential powers are limited by the members of unelected bodies in Iran’s power structure, most of whom are clerics, and by the authority of the supreme leader. It is the supreme leader, not the president, who controls the armed forces and makes decisions on security, defense and major foreign policy issues.

Mohammad Khatami was elected president in May 1997 with nearly seventy percent of the vote and re-elected in June 2001 with over seventy-seven percent. The Guardian Council has frustrated most of his reforms, particularly in the areas of presidential power and electoral supervision, since they have veto power over all legislation. His failure to carry out reforms largely resulted in disaffection on the part of the voters in the parliamentary elections of 2004.

Parliament. The two-hundred and ninety-six members of the Majles, or parliament, are elected by popular vote every four years. The parliament has the power to introduce and pass laws, as well as to summon and impeach ministers or the president. However, all Majles bills have to be approved by the conservative Guardian Council. In February 2000, the sixth Majles was elected in free and fair elections. It was the first in which reformists gained a majority. However, the election of the seventh Majles 2004 did result in a predominantly conservative parliament. The seventh Majles will convene in May 2004.

Council of Ministers. The Council of Ministers, as the Iranian presidential cabinet is called, are chosen by the president and approved by parliament, which can also impeach them. The supreme leader is closely involved in defense, security and foreign policy, and so his office also holds influence in decision-making. Ministers responsible for cultural and social issues are heavily monitored by conservatives watching for any sign of deviation from their strict Islamic line. For example, during the past four years, the Judiciary would close newspapers, and the ministry of culture would turn around and re-license them under a new name. This game kept up for some time to the frustration of the conservatives. The cabinet is chaired by the president or first vice-president, who is responsible for cabinet affairs. It is assumed that under the new, more conservative Majles, these practices will stop.

Jointly Appointed Body

Guardian Council. The Guardian Council is the most influential political body in Iran. It is controlled by conservatives and consists of six theologians appointed by the supreme leader and six jurists nominated by the judiciary and approved by parliament, thus creating a deep conservative bias under the present governmental structures. Members are elected for six years on a phased basis, so that half the membership changes every three years.

The Guardian Council has virtual veto power over every electoral candidate, and every piece of legislation that passes parliament to make sure they conform to the constitution and Islamic law. It is this feature of government more than any other that has caused frustration throughout Iran. Reformists have tried to restrict the council's veto power without success. When they disqualified nearly a third of all candidates who had presented themselves for Parliamentary elections, they faced boycotts and resignations from sitting Majles members. This did not faze them. Only when Supreme Leader Khamene'i called them in and pleaded with them to relax their hard line did they allow a few hundred candidates back on the ballot. Even so, as a result of their disqualifications, the elections were virtually rigged in favor of the conservatives.

THE ELECTIONS

7

Over six thousand people presented themselves for election to Parliament in 2004. They were affiliated with dozens of parties, large and small. Despite the many parties, they are divided into conservative and reform camps. In response to the elimination of most of their candidates by the Guardian Council, the Militant Clerics' Society—the principal reform group, of which President Khatami is a member—called for a boycott of the election, and withdrew its own candidates. Seven smaller reform parties could not mount enough candidates to contest the election. Of the two hundred and ninety seats, approximately one hundred and thirty were completely uncontested, resulting in a conservative victory. In some cases, however, there were so many candidates that runoffs were authorized.

A great deal was made of voter participation in this election. Since the last parliamentary election and the last presidential election had high voter turnouts (over seventy percent), it was thought that a low turnout would discredit the government. Turnout in rural areas and smaller towns and cities was heavy, whereas the residents of Tehran and other urban areas stayed away in large numbers. In Tehran, only thirty percent of the population voted, but the overall vote was around fifty percent. A number of races have not been decided yet. In districts where no candidate received more

than twenty-five percent of the vote, runoff elections will be held.

The reasons for the conservative victory are complex. It is an undisputed fact that despite the boycotts, a new parliament was elected, and with voter participation higher than is typical in the United States. Of course, the Guardian Council's role in eliminating many reform candidates ahead of time had a great deal to do with the reduced turnout and the overwhelming conservative victory. However, this does not completely explain why conservatives won.

Many voters who associated themselves with the reform movement were already displeased with the reform candidates for failing to make good on their promise to change things for the better, and were, as a result, philosophical about the takeover of the conservatives. Indeed, the Reformists main failure has been their inability to connect with the average Iranian, the very ones who gave them seventy percent support in the 2000 elections. Moreover, the reformers, with their great progressive political ideas also espouse neo-liberal economic reforms such as making public schools self-supporting with "registration" fees and eliminating subsidies on food and fuel and government services. They also failed to mobilize the popular support into any kind of effective political parties. These are the attribute that hurt them in terms of popularity.⁶ Many Iranians simply want a better life for themselves and their families and feel that, perhaps with the parliament no longer expending its energy on internal political struggle, Iran will face better economic times. This is partly reflected in the emergence of one apparently conservative group that emerged in 2003, calling themselves the "Coalition of Builders of Islamic Iran." They are technocrats with a conservative social view, but who reject "violence and force" to enforce Islamic regulations. Their spokesman, Gholam-Ali Hadad-Adel, declared that improving the economy was the country's top priority.

Despite the heavy hand of the Guardian Council, which many Americans might view as a non-democratic feature of the Iranian elections, the actual voting process seems to have been both free and fair. Typically, rigged elections return astonishingly high percentage figures in favor of current rulers. In Iran, although this time the conservatives won, they by no means took one hundred percent of the Majles seats. The example of Tehran is instructive. Despite widespread boycotts of the eighty-three seats, forty-three were won by conservatives, twenty-one by reformists, seventeen were undecided and will go to run-off elections because no one obtained the requisite twenty-five of the votes, and the other two seats were won by independents whose political views were not known.

REFORM?

What do the elections mean? It is difficult at this point to predict with any certainty

what is in store for Iran under this new parliament. A few guesses might be made, however. Reform can not be turned back. The conservatives have been forced to relax their former draconian regulation of public morality. Women must still adopt modest dress in public, but there are few squads of revolutionary guards throwing women in prison for showing too much hair, or breaking up wedding parties for playing popular music.⁷ Iran is some distance from the broad range of freedom in public behavior that was prevalent under the Shah, but it is not as conservative as in the 1980's. It is important to remember, particularly with regard to public conduct of females, that a large proportion of the population always adopted modest dress, even under the Shah.

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The conservative government favors, and will continue to develop, Iran's nuclear power capacity. As worrisome as this is, Iran is nowhere near making a bomb, despite American fears to the contrary.⁸ This is not to say that Iran will never have atomic weapons. In their "neighborhood" there are other states, such as Pakistan and India, with nuclear weapons. Iranians often note with a rueful cynicism that Americans tend to deal differently, and more respectfully, with nations that do have an atomic bomb.

It may also be difficult for the conservatives to curtail support of external Islamic groups such as Hezbollah in Lebanon. This has been one of the chief causes of hostility on the part of the United States.⁹ The Coalition of Builders of Islamic Iran represent a vanguard of social conservative technocrats concentrating on industry and economy. They seem to be promulgating a kind of "China" model for Iran—promising consumer goods and improved living conditions, but eschewing relaxation of social processes. Their orientation is decidedly pragmatic, and their view may significantly shift the focus of the conservatives to more international concerns. It may not be too optimistic to look for a thaw in relations with the United States as these pragmatists begin to exercise power.

The passing of Ayatollah Khamene'i in a few years will be a watershed for Iran. No successor has been found for him, and the Khomeinist line he represents may die with him. Iran will continue to have conservative and liberal factions, but it is at this point that the form of government itself may change.

The driving source for this change will likely be women and youth. Today, sixty

percent of university students in Iran are women. Literacy for women under the age of twenty-five nearly equals that of men. Women are represented in every profession, and there are more women in the Majles than in the U.S. Congress. Seventy-five percent of the entire Iranian population is under twenty-five. They never saw the Shah or Khomeini, and have no personal knowledge of the revolution.

The elderly clerics will undoubtedly be supplanted as they pass from the scene. The next generation will be the one to effect change. They are the best educated Iranian population in history, and they have access to computers, satellite dishes, and every device of modern information technology. As a result, they are also exceptionally well informed about their own lives and about international affairs. They will come into political office sooner rather than later, and when they do, the reforms being clamored for will take place. The American neoconservative desire to destroy the current government will not bring about reform; it will set it back by unleashing social unrest. Iranians themselves have no desire for internal conflict. For the time being, they are able to work with their flawed governmental structures despite the undercurrent of social unrest that will bring reform in time. Now, they make up about forty percent of the voting population. By the next parliamentary election, they will be the majority, and then the world will see something very interesting happen in Iran.

10

Perhaps the most foolish idea circulated in Washington in the past few years is the notion that the United States could somehow engineer the “overthrow” of the Iranian government and the “establishment of a democracy” there. This idea has been promulgated incessantly in conservative think tanks, such as the American Enterprise Institute.¹⁰ As one can see, although the government of the Islamic Republic has structural flaws that allow a group with a dominant ideology to gain a stranglehold over many areas of government, the system continues to work; albeit with a lot of creaks and groans. Iran is not a dictatorship like Iraq, and it is unclear whom the United States would “overthrow” if it wanted to foment revolution in Iran. Removing the supreme leader would do nothing at all. One would have to destroy several of the interlocking governmental bodies to have any effect. By that time, the population would be in revolt against the usurpers.

Moreover, there are no good candidates for a replacement government. The public is disaffected with the Reformists, whom they believe betrayed them, or at least proved feckless. There is a small body of monarchists clamoring for the return of the son of the deposed shah, also named Reza Pahlavi, who is now living in the United States. However, he has no real support inside Iran. The Mujaheddin-e Khalq have the support of some elements in Washington, since they were the source of information that tipped Washington off to Iranian nuclear power developments, but this group, which was supported and sheltered by Saddam Hussein, is openly hated in Iran. They

Elections and Governmental Structure in Iran: Reform Lurks Under the Flaws

would have no chance of ruling.

The Iranian population now also seems to have no stomach for revolution. They hover between apathy and vague hopes that the future will improve. Evolutionary change, therefore, seems to be the most plausible course. In many ways, the Iranian elections were quite normal. Having had several years to change things in Iran and failed, the Reformists were voted out of office. The same thing would have happened in the United States. The last elections were robust, and showed that they contained workable mechanisms. The Guardian Council notwithstanding, the electoral process is certain to be a lively, active, and moderately effective institution for the expression of Iran's public political will.

NOTES

1. Jim Lobe, "IRAQ: Neo-Cons See Iran Behind Shiite Uprising" *Inter Press Service*, 9 April 2004.

2. Michael Rubin, "Sadr Signs," *National Review Online*, 7 April 2004 <<http://www.nationalreview.com/comment/rubin200404060834.asp>>.

3. William Safire, "Two Front Insurgency," *The New York Times*, 7 April 2004, 19(A); David Brooks, "Take a Deep Breath," *The New York Times*, 10 April 2004, 15(A).

4. I do not want to give the impression that there is no formal training in Shia Islam. There is a formal clergy based on status attained in real seminaries with rigorous religious training. A *mujtahid* is one who has passed all the requirements in the study of Islamic theology, philosophy, ethics, and law and received an *ejazeh-e ijtehad*, or right to interpret law, from senior *mujtahids* upon the recommendation of his or her principal mentor. This is the religious equivalent of a secular Ph.d. Still, a lack of these credentials does not prevent anyone from leading prayer, setting themselves up as a religious leader, or wearing religious garb. (Thanks to Eric Hoogland for this note).

4. Juan Ricardo Cole, *Sacred Space and Holy War: The Politics, Culture and History of Shi'ite Islam* (London: I.B. Tauris, 2002); Yitzhak Nakash, *The Shi'is of Iraq* (Princeton, Princeton University Press, 2004).

5. Thanks to Eric Hoogland for contributions to these firsthand observations (personal communication)

5. "Iran Parliament forwards bill on Press Law to Expediency Council," *Payvand Iran News*, 23 June 2003 <<http://www.payvand.com/news/03/jun/1129.html>>.

6. Eric Hoogland, editor of Critique Magazine writes in a personal communication: "the military in Iran is *not* under the control of the conservatives, even though top commanders are appointed by the faqih. If it were, the conservatives long ago would have used it to stage a coup against the reformists. The military is divided ideologically; it is a conscript army/revolutionary guards/basij militia, with career officers who are very much divided in their political views/loyalties. This diversity of views among the security forces is, I believe, a main guarantor of Iran's democratic process, which is still in a developing and fragile state."

7. Hoogland writes: "it has been many years since any woman was arrested or even fined for showing too much hair in public; if this were happening, then at least half female population would be arrested, as many women wear headscarves well back of the forehead, even in small towns and villages; and women in movies and TV shows of the past few years also reveal much head hair, which indicates how much the society has relaxed on this issue in the past few years. When I was in Iran in December 2003 and February 2004, chadors were worn by only about twenty percent of women in Tehran, less in Shiraz. The preferred garment in public is the headscarf and ankle-length coat, although younger women wear a tunic-like cover that is mid-thigh length over tight-fitting pants." (personal communication). See also William O. Beeman "Lifting the Islamic Women's Veil" *Pacific News Service*, 27 February 2001

WILLIAM O. BEEMAN

<http://news.pacificnews.org/news/view_article.html?article_id=28989d9744ad6346f57372e490d760e6> for similar views.

8. William O. Beeman and Thomas Stauffer, "Is Iran Building Nukes? An Analysis (Parts 1 and 2)" *Pacific News Service 2003* <http://news.pacificnews.org/newsview_article.html?article_id=1b68abecee07b0cb8cf9ed0bc9de5954>; <http://news.pacificnews.org/news/view_article.html?article_id=7188562b68f4f8f71e7b57ee599db3f5>; William O. Beeman, "Shi'ites and the New Culture in Iraq," *Strategic Insights* 3 no. 5 (2004) <<http://www.ccc.nps.navy.mil/si/>>.

9. William O. Beeman "Iran and the United States—Postmodern Culture Conflict in Action," *Anthropological Quarterly* 76 no.4 (2003): 671-691.

10. Michael Leeden, "The Future of Iran," *National Review Online* 9 July 2003. <<http://www.nationalreview.com/leeden/leeden070903.asp>>; Michael Leeden, "The Iranian Hand: Regime Change in Tehran is Necessary for Peace in Iraq," *The Wall Street Journal* 16 April 2004. On line at <<http://www.opinionjournal.com/editorial/feature.html?id=110004959>>.

