



# Department of Justice

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The Department of Justice sought today to join in a private lawsuit challenging a new Mississippi law requiring Iranian students at state universities to pay almost five times the tuition charged other students.

Attorney General Benjamin R. Civiletti said a motion to intervene as plaintiff in Shabani v. Simmons and a complaint in intervention were filed in U.S. District Court in Oxford, Mississippi.

The suit was filed by four Iranian students of Mississippi State University on June 9 on behalf of some 432 Iranians attending state universities in Mississippi.

The suit challenged a Mississippi law enacted on May 26 establishing an annual tuition fee of \$4,000 for "any student who is a nonimmigrant alien from a nation not having diplomatic relations with the United States and against whom the United States has economic sanctions in effect at the time of registration of such student unless such student has been granted political asylum by the United States."

The Justice Department request said the legislative purpose of the law is to raise tuition rates specifically and exclusively for Iranian students and is designed to prevent them from attending Mississippi schools solely because of their national origin, even though the law does not mention Iranians.

(MORE)



The law violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and the Civil Rights Act of 1964, which prohibits national origin discrimination by institutions receiving federal financial assistance, the complaint in intervention said.

In addition, the complaint said, the state action exceeds the constitutional bounds of state authority by attempting to conduct foreign relations and make immigration policy, powers exclusively delegated to the federal government.

In an accompanying affidavit, David D. Newsom, Under Secretary of State for Political Affairs in the Department of State, said the Mississippi law "threatens to interfere with the ability of the Federal Government to maintain control of United States policy with respect to the current hostage crisis in Iran."

"The situation in Iran is a vivid illustration of the need for the United States to be able to speak with one voice in its dealings with other nations ....," the affidavit said.

"State action directed essentially against Iranians, in response to the hostage crisis, although motivated by a high sense of patriotism and intended to complement federal actions, would potentially impede the conduct of our foreign relations. Such action would constitute a serious unsanctioned state involvement in the conduct of United States foreign policy and international relations."



The higher tuition is effective July 1. A nonresident student now pays a fee of \$850 in addition to \$868.50 in regular tuition and fees.

The Justice Department request asked the court to declare the Mississippi law unconstitutional and enjoin its enforcement.

Attorney General Civiletti, who certified that the case is of general public importance, a requirement for the Justice Department to intervene, said the action is consistent with his statement last November 27 that, while the taking of American hostages in Iran violates international law and must be condemned, our nation must adhere to constitutional liberties and due process that protect everyone in this country.

"Despite our justifiable anger at the students and others who make prisoners of our citizens, we all must restrain our actions and behave with a considered regard for our rule of law ....

"A variety of federal laws prohibit discrimination based on national origin ... It is the role of the Justice Department to go to court, when necessary, to prevent and remedy discrimination. In the current situation, we must do no less," Mr. Civiletti said in the November statement.

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