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Introduction

Chairman Royce, Ranking Member Engel, and Members of the Committee:

Thank you for inviting me this morning to discuss the emerging deal on Iran's nuclear program and the implications of the Obama Administration's policy.

In April 2011, in the early days of the Arab Awakening, I testified before your Subcommittee on the Middle East and South Asia that "preventing a nuclear Iran should remain our paramount goal and guide our policies amid the fog of events." I feel that even more so today.

The Iran nuclear talks in Vienna have been extended till tomorrow, July 10, with a chance of further extension. Any day the emerging deal isn't completed is a good day, because I believe it to be deeply flawed, with historically severe implications for American standing and national security. It would align ourselves closer with the Islamic Republic of Iran--the world's chief sponsor of terrorism and a fierce ideologically enemy of the United States and our Arab and Israeli allies -- and grant it international legitimacy to become a threshold nuclear power in 10-15 years, even if it observes the deal. Iran would be enriched with tens of billions of dollars in sanctions relief and increased exports, thereby strengthening its radical regime and supercharging its nefarious activities. The deal would spur and accelerate other regional countries' pursuit of nuclear weapons. This will regionalize the issue, so that in subsequent years we won't only need to assess what Iran is doing in its nuclear program, but we'll also need to monitor what Saudi Arabia, Turkey, and our other traditional regional allies might doing on the nuclear front.

All this will make serious conventional or nuclear military conflict in the Middle East, whether sparked intentionally or through miscalculation, far more likely -- unless Israel

or a new U.S. president steps in with military action against Iran's nuclear facilities to stop this nuclear contagion. Either way, war could well be a consequence of this deal, and not the alternative to it.

I urge Members of Congress to reject this deal and restore and reinvigorate American leverage to achieve an acceptable deal to prevent a nuclear Iran and reduce the chances of a nuclear contagion cascade and war.

I will focus my remarks on highlighting fatal flaws of the emerging deal, addressing the Obama Administration's arguments on the deal's behalf, and raising the strategic implications of such a deal being agreed and implemented. My remarks are based on information available as of July 8, when this testimony was submitted.

Deal's Flaws

Mr. Chairman, you and your Committee, as well as the Gemunder Center Iran Task Force at JINSA, of which I am CEO, have raised many of the shortcomings of the prospective agreement being finalized in Vienna. I highlight below a few, but not all, of the pivotal ones.

First, rather than forcing Iran's leaders to choose between guns and butter, it gives them much more of both. Sanctions relief will give Iran tens of billions of dollars from released funds and increased oil exports over the next year, which will strengthen this radical and repressive regime and supercharge its support for Hamas, Hezbollah and other terrorism, regional mischief-making, as well as its spending on its own military buildup.

Second, in 10-15 years Iran will be permitted to expand its already robust nuclear program as it wishes. It will legally be treated like Japan.

Third, the deal might provide for greater inspections, but these will not be robust enough to detect or deter Iranian cheating. The deal apparently would at most require

Iran to adhere to the "Additional Protocol," but no Additional Protocol contains the required "anytime, anywhere" inspections, including access to military sites, which is most likely where Iran would construct a nuclear weapon. Complicating proper and full inspections, Iran hasn't yet come clean on the possible military dimensions (PMD) of its nuclear program.

Fourth, even if inspections did detect Iranian violations, there's serious reason to doubt that the Obama Administration would challenge Tehran over them. The Administration claims Iran has adhered to the Joint Plan of Action (JPA) interim deal of November 2013, yet Iran has violated it on several occasions. Most recently, Iran has been caught not converting enough enriched fuel to a form that would make it harder to be processed into nuclear weapon. Instead of challenging Iran, the Administration has acted as its defense attorney and attacked the independent American organization that made the finding. A *Washington Post* editorial this week referred to the White House's "warped" "proclivity to respond to questions about Iran's performance by attacking those who raise them."¹

Fifth, and perhaps most puzzling, this deal would not require Iran to comply with legally binding U.N. Security Council resolutions against its ballistic missile programs.

Countering President Obama's Arguments

The Obama Administration and its supporters have made five basic, somewhat conflicting, arguments on behalf of the deal: 1) it will prevent a nuclear Iran; 2) it will postpone a nuclear Iran; 3) it will set back Iran's nuclear program longer than would military action; 4) the alternative is U.S. diplomatic isolation and a nuclear Iran; and 5) the alternative is war.

Prevent a Nuclear Iran?

President Obama stated on April 2, 2015, when announcing the Lausanne framework agreement, "This framework would cut off every pathway that Iran could take to develop a nuclear weapon." Yet, five days later, on April 7, Obama undermined that

¹ *Washington Post*, editorial, "The U.S. response to Iran's cheating is a worrying omen." July 7, 2015.

claim when he acknowledged in an NPR interview “in year 13, 14, 15, they have advanced centrifuges that enrich uranium fairly rapidly, and at that point the breakout times would have shrunk almost down to zero.”² Still, since then the Administration has insisted that the emerging deal will block all pathways to a nuclear Iran.

Just this week, a *Washington Post* editorial noted, “Iran’s emergence as a threshold nuclear power, with the ability to produce a weapon quickly, will not be prevented; it will be postponed, by 10 to 15 years.”³ Indeed, this trajectory was already spelled out in the November 2013 interim deal: “Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.”⁴ The only question was how many years for those restrictions to sunset, even if Iran adheres to a deal. As Obama acknowledged on April 7, it would be only 10-15 years.

Therefore, it does not matter whether Iran has signed onto the Additional Protocol, how often international inspectors visit, or what facilities they have access to, when Iran will have a breakout time that is, in the president’s words, “almost down to zero.” By then, the United States and other countries will not have any time to react to any possible breakout, and Iran will become, with international blessing, a nuclear power.

Postpones a Nuclear Iran?

The more persuasive, yet still flawed, argument of the Administration and other deal supporters is that the deal will delay a nuclear Iran for over a decade.

Delay certainly has real strategic value. If a deal truly froze Iran’s nuclear program without any significant negative consequences, and was conducted within the context of a policy of restricting and containing Iran, which had been our policy the two

² NPR, “Transcript: President Obama’s Full NPR Interview On Iran Nuclear Deal.” <http://www.npr.org/2015/04/07/397933577/transcript-president-obamas-full-npr-interview-on-iran-nuclear-deal>

³ *Washington Post*, editorial, “The U.S. response to Iran’s cheating is a worrying omen.” July 7, 2015.

⁴ A public version of the JPA is available at: http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf

decades prior to the JPA, then such a deal could be valuable and welcomed. But that is not this deal.

This deal, instead, seems part of a broader policy to embrace Iran and effectively nourish its regime with tens of billions of dollars in sanctions relief and rejuvenated trade and exports. The result will not be greater Iranian moderation, as the Administration hopes, but will be a strengthening of its regime internally and a more aggressive posture abroad. A regime guilty of some of the world's worst human rights abuses – jailing political opponents and journalists, executing the most people per capita of any country, denying the Holocaust and threatening to annihilate Israel – and reeling from the pain of tough sanctions, will be taken out of intensive care and made healthy and immune to attack by this deal.

Set Back Iran's Nuclear Program Further than a Military Strike?

President Obama argued on April 2 that a military strike would delay "Iran's program by a few years ... a fraction of the time that this deal will set it back. Meanwhile we'd ensure Iran would race ahead to try and build a bomb."⁵ Such expressions of certainty seem out of place.

Israeli security experts have suggested an Israeli military strike could push back Iran's nuclear program three or so years. U.S. military action, with our greater capability and easier access, would likely push it back further. The brief history of strikes against nuclear facilities suggest the delay could be longer. Israel's strike on Iraq's Osirak's reactor in 1981 was intended to set Iraq's program back only 1-3 years, and yet the program had not been completed a decade later by the time of the first Iraq War. (The 1981 attack did drive the Iraqi program underground, and it progressed a great deal by the time of its 1990 invasion of Kuwait and the Gulf War.) Syria had not reconstituted a nuclear program when its civil war broke out in 2011 – four years after Israel's strike on a suspected reactor in 2007.

⁵ White House Office of the Press Secretary, "Statement by the President on the Framework to Prevent Iran from Obtaining a Nuclear Weapon," April 2, 2015.

Iran, of course, has a much more extensive and hidden nuclear program than Iraq or Syria did. Still, a U.S. military strike on it could follow the same pattern. It has taken Tehran several decades and tens of billions of dollars to get this far with its nuclear program, and the government might well be reluctant to invest billions and decades more to recreate a program that could be destroyed again in a matter of days. Nuclear scientists – those who survived military action, and prospective new ones – might be reluctant to work in facilities that will be attacked again. This would especially be the case if it was clear U.S. military action wasn't confined to a few days or weeks, but was could be carried out over a period of time necessary to ensure all relevant facilities were disabled or destroyed. Military action would likely also serve as a warning to other countries not to pursue nuclear weapons.⁶

We should be careful in definitively predicting the possible outcomes of military action, recognizing the chances of various consequences. Most likely, military action would set back Iran's program for some significant period of time, and deter other countries from pursuing their own programs. The ultimate solution, though, is regime change.

Alternative is U.S. Diplomatic Isolation and a Nuclear Iran?

President Obama claimed on April 2, "we could pull out of negotiations ... and hope for the best – knowing that every time we have done so, Iran has not capitulated but instead has advanced its program, and that in very short order, the breakout timeline would be eliminated and a nuclear arms race in the region could be triggered because of that uncertainty."⁷

The argument is defeatist, and ignores the importance of U.S. leadership should we choose to exercise it. Indeed, it was the United States that took the lead on passing effective U.N. and unilateral sanctions against Iran, including the banking sanctions devised and passed by this body (which Obama initially opposed). Indeed, an

⁶ For analysis of the benefits and costs of U.S. military action, see: Bipartisan Policy Center, *Meeting the Challenge: Stopping the Clock* (February 2012); Wilson Center *Weighing the Benefits and Costs of Military Action Against Iran* (September 2012).

⁷ White House Office of the Press Secretary, "Statement by the President on the Framework to Prevent Iran from Obtaining a Nuclear Weapon," April 2, 2015.

inconsistency of President Obama's argument is that in his April 2 speech he also claimed that "sanctions ... did help bring Iran to the negotiating table."

We have far more options for influencing Iranian behavior than the Administration has been willing to exercise. Iran's leaders clearly want sanctions relief, which contributed to their agreeing to restrict elements of the nuclear program under the JPA. Since then oil prices collapsed, and remain about half of where they were a year ago. New sanctions that completely cut off Iranian oil exports would have little impact on the oil market, and could serve to pressure Iran into a better deal (and could boost American energy sector jobs). But tougher sanctions alone will not suffice to get us an acceptable outcome.

Alternative is War?

Nor are economic sanctions the only leverage the Administration has been ignoring. President Obama declared early in his first term that he would use "all elements of American power" to prevent a nuclear Iran, and he has asserted repeatedly that "all options are on the table."⁸ Now the Administration and its supporters claim the alternative is war.

In his second term, the Administration weakened virtually all elements of American power and took off almost all options off the table. It threatened to veto new sanctions, even though sanctions helped bring Iran to the table. It dismissed the military option, even though it was fear of U.S. military action that led Iran in 2003-4 to suspend crucial parts of its nuclear program. It distanced us from our regional allies, even though that has emboldened Tehran. And it has effectively aligned the United States strategically with the Islamic Republic, instead of supporting the internal opposition and confronting the regime and its terrorist proxies in the region. The Administration left itself only diplomacy, which without any credible levers has simply become pleading. And that in turn has only encouraged Iranian intransigence. This "empty holster," as

⁸ White House Office of the Press Secretary, "Remarks of President Obama on Responsibly Ending the War in Iraq," February 27, 2009; White House Office of the Press Secretary, "Remarks by President Obama and Prime Minister Netanyahu of Israel," March 5, 2012.

Tom Friedman put it last week in the *New York Times*,⁹ has made war not the alternative but possibly the consequence of this deal.

Strategic Implications of a Bad Deal

The strategic implications of how the Obama Administration has handled the Iran talks so far are already significant, and if this emerging deal is concluded that will make the consequences far more damaging to America's national security interests and standing in the world.

President Obama came into office seeking to reverse traditional U.S. foreign policy, which he saw often to be wrong, counterproductive to our interests, and a diversion from tending to needs at home. That led him, in the Middle East, to reach out to and eventually embracing Iran.

Since at least the presidency of Jimmy Carter, administrations from both sides of the aisle have identified and focused on three main U.S. interests in the Middle East: a secure Israel; a secure flow of oil from the Persian Gulf; and a weakening of Islamic radicalism. Those interests converged in containing the Islamic Republic of Iran since its inception in 1979. Iran threatens Israel and our Sunni Arab allies, especially those which produce oil, and is a global leader of Islamic radicalism – not only Shia extremism, but Hamas and other radical Sunnis groups as well.

As negotiations for a final nuclear deal have played out, the Obama Administration increasingly has aligned itself with Iran's interests in Syria, Iraq, Lebanon and Yemen. The result has been anger and dismay from our Arab and Israeli allies, who have increasingly questioned U.S. reliability and credibility, especially after we sympathized with the demonstrators and against allied regimes during the early days of the "Arab Spring" (after not supporting the uprising in Iran in 2009) and the non-enforcement of the Syrian red line. After two decades of American presidents, including this president, declaring that Iran needs to dismantle its nuclear program and that the United States will use all means to accomplish this, the Obama Administration initiated the last two-

⁹ Thomas Friedman, "A Good Bad Deal?" *New York Times*, July 1, 2015.

year stage of nuclear talks with Iran without even informing Saudi Arabia, Israel and our other close allies, and currently is advancing a deal to legitimize their arch-rival's nuclear program. The United States has kept them at a distance and not taken seriously enough their grave security concerns, and has been overeager to accommodate Iran, a second- or third-rate power. Our adversaries have observed this as well, which has only emboldened Russian actions in Ukraine and China's in the South China Sea. While the United States still possesses the capability of a superpower, many legitimately question whether we retain the will and credibility of one.

The price to pay for this erosion of credibility and departure from established U.S. policy and interests will be grave. If this deal is completed, it will: guarantee the emergence of Iran as a nuclear power; place Israel in existential danger from Iran and the aggression of its terrorist proxies; set off a proliferation cascade that will raise the potential for conflict in the Persian Gulf, which incidentally act as bullish factor for oil prices; and empower and inspire radical Islamists across the region. With its credibility severely eroded, the United States – even if led by a new, determined president – will have significant difficulty restoring order to the region.

The most immediate consequence of a deal will be a realignment of interests in the region. It widely perceived that we have aligned ourselves with Iran, and our regional allies will continue to seek closer relations with Russia and China and distance themselves from us. Some of our allies in the region and outside it – such as India and South Korea, which are heavily dependent on oil imports – will also seek closer ties with Iran. On the positive side, our Israeli and Arab allies, who share a sense of abandonment by the United States, will intensify their quiet collaboration with one another on regional matters.

But, more consequential, some of our traditional Arab allies will seek other means of ensuring their security, and will develop nuclear programs or acquire nuclear weapons of their own. President Obama recognized with much confidence this consequence in 2012: "It is almost certain that other players in the region would feel it necessary to get

their own nuclear weapons.”¹⁰ But now he dismisses it, stating in May about the Gulf Arabs, “They understand that ultimately their own security and defense is much better served by working with us.” In reality, Riyadh has good reason to question our reliability in defending them, as explained above. Though Obama warned the Saudis, “Their covert – presumably – pursuit of a nuclear program would greatly strain the relationship they’ve got with the United States,”¹¹ it is simply implausible to suggest the United States would punish the Saudis if they develop a nuclear program.

As former U.S. secretaries of state Henry Kissinger and George Schultz asked in their superb *Wall Street Journal* op-ed on April 8: “Do we now envision an interlocking series of rivalries, with each new nuclear program counterbalancing others in the region?”¹² In fact, this nuclear contagion will regionalize the challenge, so that we’ll have to monitor not just what Iran is doing on the nuclear front, but also Saudi Arabia and other countries. This will increase the chances of a nuclear conflict, whether through intent or miscalculation, among the countries that acquire the capability, and could well draw in the United States.

The radicals, such as Hezbollah, Hamas, ISIS and the Muslim Brotherhood, to name a few, will feel emboldened by this Iranian victory and what will be perceived as an American capitulation. Hezbollah could effectively become protected by an Iranian nuclear umbrella, severely limiting Israel’s freedom of maneuver in Lebanon and Syria.

In the lead-up to this deal, the United States has already felt compelled to deepen our commitments to our regional allies, perhaps move more troops and other assets to the region, and sell our allies more weaponry. The Obama Administration has already begun taking some of these steps – an interesting twist of fate, since the President entered office determined to reduce our commitments in the Middle East. Nevertheless,

¹⁰ Jeffrey Goldberg, “Obama to Iran and Israel: ‘As President of the United States, I Don’t Bluff,’” *The Atlantic*, March 2, 2012. <http://www.theatlantic.com/international/archive/2012/03/obama-to-iran-and-israel-as-president-of-the-united-states-i-dont-bluff/253875/>

¹¹ Jeffrey Goldberg, “‘Look ... It’s My Name on This’: Obama Defends the Iran Nuclear Deal,” *The Atlantic*, May 21, 2015. <http://www.theatlantic.com/international/archive/2012/03/obama-to-iran-and-israel-as-president-of-the-united-states-i-dont-bluff/253875/>

¹² Henry Kissinger and George P. Schultz, “The Iran Deal and its Consequences,” *Wall Street Journal*, April 8, 2015.

some have argued that such renewed engagement might allow the United States to contain a nuclear Iran – and the potential cascade of instability in its wake – much like the Soviet Union in the Cold War.

In reality, the challenges would be manifold and intractable, and the costs and risks prohibitive. First, successful containment is premised on deterrence, which in turn demands credibility. The United States by definition would have minimal credibility after having spent years declaring a nuclear Iran was unacceptable. Second, containment is innately reactive – it draws a line in the sand and waits for the adversary to try crossing it. This would allow Iran to try to challenge the United States and its allies over time, by engaging in slightly and steadily more provocative behavior piecemeal. Third, even when successful, containment is an indefinite, long-term obligation, based on a willingness to prevail in a contest of wills over some indeterminate period, and there is little indication so far that we wish to prepared to endure this contest and pay the price in blood and treasure. A final concern is whether the nature of the regime in Tehran – and other regimes or entities that might acquire nuclear weapons – would even render it containable with nuclear capability. To again cite Kissinger and Schultz: “Previous thinking on nuclear strategy also assumed the existence of stable state actors. Among the original nuclear powers, geographic distances and the relatively large size of programs combined with moral revulsion to make surprise attack all but inconceivable. How will these doctrines translate into a region where sponsorship of non-state proxies is common, the state structure is under assault, and death on behalf of jihad is a kind of fulfillment?”¹³

Given these challenges and threats, many have assumed that Israel would attack the nuclear facilities of Iran, as it did in Iraq and Syria. Very few now believe Israel will do so. I still believe Israel will, more likely than not, will feel compelled to act militarily – as it will feel no alternative – at the last feasible moment. If Israel doesn’t act, it will suffer a huge blow to its deterrent posture, after decades of warning it would not permit a nuclear Iran, and leave its fate to others.

¹³ Henry Kissinger and George P. Schultz, “The Iran Deal and its Consequences,” *Wall Street Journal*, April 8, 2015.

Conclusion

Winston Churchill famously said in the House of Commons to Prime Minister Neville Chamberlain about the Munich agreement in 1938, "You were given the choice between war and dishonour. You chose dishonour and you will have war." This is not to compare President Obama to Chamberlain, and Iran to the Nazis, but to conclude by stressing two points.

First, that the consequence to this deal, however well-intentioned, would be much greater and longstanding Middle Eastern and global tension and higher risk of conventional war and even nuclear conflict that could draw in the United States. And, second, that this issue transcends any administration or party. It is often forgotten that Churchill was then a Conservative and he was defying his own Conservative Party and party leader in his gutsy stand, which has been celebrated over the decades by American leaders across the political spectrum.

Therefore, I urge an overwhelming bipartisan coalition in Congress to reject the emerging deal if it gets concluded.

If that happens, there could still be hope of an acceptable diplomatic solution, which is what we all seek. It would be predicated on, as JINSA's Gemunder Center Task Force has long argued, Iran believing it stands to lose the most from the failure of negotiations.¹⁴ And it would require fully, and truly, employing, in President Obama's words of 2009, "all elements of American power."

¹⁴ JINSA Gemunder Center Iran Task Force, *Principles for Diplomacy with Iran*, October 2013.