

Committee on Oversight and Government Reform
Subcommittee on National Security
U.S. House of Representatives

"Protecting America from a Bad Deal: Ending US Participation in the Nuclear
Agreement with Iran"

June 6, 2018

Mr. Chairman, Mr. Ranking Member, and Members of the Committee:

It is an honor to appear again before your committee, this time to discuss the consequences of the Trump Administration's decision to unilaterally abrogate the Joint Comprehensive Plan of Action (JCPOA), the international nuclear agreement with Iran and our P5+1 partners.¹ Congress will face difficult but critical decisions going forward as a result of this decision, and so I laud the committee for beginning to prepare for the future ahead.

I come to today's hearing as someone who has provided assessments to Republican and Democratic presidents, as well as to Republican and Democratic Members of Congress, as they have wrestled with these policy challenges. I have studied Iran, its nuclear program, its role in the region, sanctions, and terrorism for more than 15 years. I have written extensively on Iran and its foreign policy, and have had the honor to share my views in testimony before Congress on a number of occasions.²

¹I would like to thank the many people who suggested thoughts or otherwise supported my testimony, including Angela Nichols, Max Walsh, Corie Walsh, Bill Luers, Kathryn Grant, Paul Pillar, George Lopez, Adam Weinstein, David Wade, Paul Barker, and others. My testimony and comments are mine alone, however, and are not intended to represent the views of the MIT Security Studies Program or individuals that have contributed to the preparation of this testimony.

² See, for example, Jim Walsh "Rivals, Adversaries, and Partners: Iran and Iraq in the Middle East," In *Iran and Its Neighbors*, London: Palgrave Macmillan, 2017; Jim Walsh, editor, *Terrorism: Documents of International and Local Control*, Vols. 37-41, Dobbs Ferry, N.Y: Oceana Law Publications; Jim Walsh, "Nuclear Regimes and Nuclear Terrorism," Testimony before the Subcommittee on International Security, Proliferation and Federal Services of the Senate Governmental Affairs Committee, *Multilateral Non-proliferation Regimes, Weapons of Mass Destruction Technologies and the War on Terrorism*. February 12, 2002, pp. 1-12; Jim Walsh, "Evaluating Key Components of a Joint Comprehensive Plan of Action With Iran," Written statement for the hearing before the Senate Foreign Relations Committee, United States Senate, June 25, 2015, Washington, DC: US Congress, 2015, pp. 1-26; "Assessing the Iran

In my testimony today, I want to directly address four issues raised by this hearing.

- 1) The domestic and international reaction to the President's decision
- 2) An accounting of what had been accomplished by the nuclear agreement
- 3) A review of various criticisms of the JCPOA
- 4) The negative consequences of violating the agreement for US national security and America's standing in the world

My summary judgment is that the JCPOA was successfully addressing the single most important American national security interest in the Gulf, namely, preventing Iran from acquiring nuclear weapons. By violating the agreement and having no real strategy to replace it, the Administration has increased the risk of nuclear proliferation in the Middle East, raised the probability of military conflict between the US and Iran, undermined America's single most important national security alliance, and likely worsened the very problems the Administration said it was trying to solve, e.g., Iran's regional activities and its ballistic missile program.

1) The domestic and international reaction to the President's action

Deal.” Written Testimony. Committee on Oversight and Government Reform, Subcommittee on National Security, U.S. House of Representatives. April 5, 2017. <<https://oversight.house.gov/wp-content/uploads/2017/04/Walsh-Statement-Iran-Violations-4-5.pdf>>; “Special Economic Measures Act and the Freezing of Corrupt Foreign Officials Act.” Written testimony. Hearing before the House of Commons Standing Committee on Foreign Affairs and International Development. November 30, 2016; “Iran Terror Financing and the Tax Code.” Written statement for the House Committee on Ways and Means, Oversight Subcommittee. United States House of Representatives. 4 November 2015. Washington, DC: US Congress. 2015, pp. 1-10; “Comments on the Recently the Recently Negotiated Joint Comprehensive Plan of Action,” Invited comments for the Senate Foreign Relations Committee. United States Senate. 1 August 2015. Washington, DC: US Congress. 2015, pp. 1-6; “The Iran-North Korea Strategic Alliance.” Written statement for the joint hearing before the Subcommittees on Terrorism, Nonproliferation, and Trade; Asia and the Pacific; and Middle East and North Africa. House Committee on Foreign Affairs. United States House of Representatives. 28 July 2015. Washington, DC: US Congress. 2015, pp. 1-18, <<http://docs.house.gov/meetings/FA/FA18/20150728/103824/HHRG-114-FA18-Wstate-WalshJ-20150728.pdf>>

A long list of government officials and nuclear experts had urged the President to comply with the agreement, including many who had previously criticized the JCPOA as well as important national security officials in the Trump Administration and in the US military. Secretary of Defense Mattis, Chairman of the Joint Chiefs Dunford, and CENTCOM Commander Votel, men who may have to respond to the consequences of this decision, all argued for staying in the JCPOA.³ While serving in office, Secretary of State Tillerson and National Security Advisor McMaster had also supported remaining in the agreement.⁴ Similarly, in the US House of Representatives, the chairs of the two committees most directly involved in these issues, Chairman Royce of Foreign Affairs and Chairman Thornberry of House Armed Services, urged the President not to break the agreement.⁵ In addition, more than 40 former officials and nuclear experts cautioned against undermining the JCPOA.⁶

Internationally, America's closest and most important allies --Britain, France, and Germany-- pleaded with the President to not violate the deal. Conservative British Foreign Secretary Johnson said breaking the agreement would be a "mistake," and

³ Ellen Mitchel, "Mattis defends Iran deal as Trump considers withdrawal," *The Hill*, April 26, 2018, <<http://thehill.com/policy/defense/385094-mattis-defends-iran-deal-as-trump-considers-withdrawal>>; Paul McLeary, "Trump's Top General Says Iran Honoring Nuke Deal," *Foreign Policy*, September 26, 2017, <<http://foreignpolicy.com/2017/09/26/trumps-top-general-says-iran-honoring-nuke-deal/>>;

Daniel Cebul, "CENTCOM chief backs Iran deal as Trump chooses critic for top diplomacy job," *Defense News*, March 14, 2018, <<https://www.defensenews.com/congress/2018/03/14/centcom-chief-backs-iran-deal-as-trump-chooses-critic-for-top-diplomacy-job/>>.

⁴ Elizabeth McLaughlin, "Tillerson's support for Iran deal helped get him fired, but Mattis shares his views," *ABC News*, March 13, 2018, <<https://abcnews.go.com/Politics/tillersons-support-iran-deal-helped-fired-mattis-shares/story?id=53712207>>; Asawin Suebsaeng, Spencer Ackerman, Sam Stein, "McMaster Wants to Save the Iran Deal by Hiding It From Trump," *The Daily Beast*, October 12, 2017, <<https://www.thedailybeast.com/mcmaster-wants-to-save-the-iran-deal-by-hiding-it-from-trump>>.

⁵ "Republican House Armed Service chair warns Trump against leaving Iran deal," *Reuters*, May 6, 2018, <<https://www.reuters.com/article/us-iran-nuclear-usa-thornberry/republican-house-armed-service-chair-warns-trump-against-leaving-iran-deal-idUSKBN1170Q3>>; Rep. Edward Royce, "Remarks: Chairman Royce on Iran," House Foreign Affairs Committee, May 8, 2018, <<https://foreignaffairs.house.gov/press-release/remarks-chairman-royce-on-iran-2>>.

⁶ See the document signed by 47 national security leaders, "Statement on a Comprehensive Policy to Constrain Iran," *Iran Project*, Fall 2017, <<https://www.scribd.com/document/355867352/Iran-Letter-IranPolicy-080817#https://www.scribd.com/document/355867352/Iran-Letter-IranPolicy-080817>>.

that "every alternative is worse."⁷ Echoing those views were the UN Secretary General and also the President of the European Commission, who warned that it would constitute "a major threat to security in the region."⁸

Less well appreciated were concerns emanating from Israel. Prime Minister Netanyahu's views received extensive press coverage, but not former Prime Minister Euhud Barak, who had been a critic of the agreement and who at various points while in office had considered a military strike on Iran's nuclear facilities. He pointed to the "logic in maintaining" the JCPOA.⁹ He is not alone. Maj. Gen. Amos Gilad, the former research chief at Military Intelligence, also a critic of the agreement, expressed a similar view as did others in Israel's professional military and intelligence community.¹⁰

In short, an overwhelming consensus, including central figures serving in the current administration, cautioned against violating the deal. As with the decision to withdraw from the Paris Climate accord, the President ignored his own advisers, America's allies, and members of his own Congressional leadership and tore up the agreement.

2) An accounting of what had been accomplished by the JCPOA

In the course of over four years, the Joint Plan of Action (JPOA) and the JCPOA produced a number of nonproliferation milestones. Under the agreement, Iran:

1) Removed 98% of its stockpile of low enriched uranium

⁷ Boris Johnson, "Don't Scuttle the Iran Nuclear Deal," *New York Times*, May 6, 2018, <https://www.nytimes.com/2018/05/06/opinion/boris-johnson-trump-iran-nuclear-deal.html>>.

⁸ Jones Hayden, "Ending Iran Nuclear Deal Would Be Major Security Threat, EU Says," *Bloomberg*, May 16, 2018, <<https://www.bloomberg.com/news/articles/2018-05-16/eu-readies-measures-to-protect-firms-from-u-s-sanctions-on-iran>>.

⁹ Neri Zilber, "Israel's Ex-Prime Minister Ehud Barak Says Keep the Iran Nuclear Deal," *Daily Beast*, May 7, 2018, <<https://www.thedailybeast.com/israels-ex-prime-minister-ehud-barak-says-keep-the-iran-nuclear-deal>>.

¹⁰ Amos Harel, "U.S. Exit From Nuclear Deal Would Help Iran, Former Israeli General Says," *Haaretz*, May 6, 2018, <https://www.haaretz.com/amp/israel-news/.premium-israeli-ex-intel-official-u-s-exit-from-nuclear-deal-would-help-iran-1.6055374?__twitter_impression=true>. See also, Allison Kaplan Sommer, "Top Brass vs. Netanyahu's Government: Where Israel Stands on Nixing Nuke Iran Deal," *Haaretz*, May 08, 2018, <<https://www.haaretz.com/israel-news/.premium-where-israel-s-leaders-stand-on-the-iran-nuclear-deal-1.6070237>>.

- 2) Dismantled two-thirds of its centrifuges
- 3) Destroyed the calandria of the Arak heavy water reactor
- 4) Capped its level of enrichment to 3.67%
- 5) Converted the Fordow underground facility
- 6) Submitted to 24/7 IAEA inspection of its sensitive facilities
- 7) Did not reprocess plutonium

The IAEA has formal access not only to traditionally safeguarded facilities but also up the fuel cycle covering the production of rotors and centrifuges, as well as uranium mines.

At no point in the nuclear age has any country submitted to as intrusive a level of inspection and verification as was provided for under the JCPOA.

3) Criticisms of the JCPOA

Critics of the agreement ginned up a wide variety of claims and criticisms from 2013 to 2015, but few of them have been sustained. Over time, governments have increasingly recognized that the JCPOA is the strongest multilateral nonproliferation agreement in history.¹¹ As a consequence, critics largely conceded the debate on the nuclear merits, and shifted the discussion to non-nuclear aspects like Iran's regional behavior.

More recently, with the Administration's move to break the agreement and the need to defend this action in the face of broad criticism, a handful a of proliferation-related claims have been reasserted, along with the more recent menu of objections. These criticisms include: 1) Iran is not in compliance with the agreement, 2) the so-called "sunset" provisions are a fatal flaw, 3) the IAEA has insufficient powers or alternatively lacks the will to carry out the required verification regime, and 4) the JCPOA is a "mere" agreement, not a treaty.

Let's consider each claim.

Compliance

There is broad consensus that Iran is in compliance with the JCPOA. In testimony before the US Congress, officials from the Department of Defense, the State Department, and the US intelligence community have stated that Iran is abiding by

¹¹ See, for example, Walsh, "Comments on the Recently the Recently Negotiated Joint Comprehensive Plan of Action;" Walsh, "Iran Terror Financing and the Tax Code."

its nuclear obligations.¹² Indeed, the Administration is obliged by law to report to Congress on Iran's compliance under the Iran Nuclear Agreement Review Act of 2015. As recently as April of this year, one month before the President's announcement, the State Department noted that:

...on three occasions during the reporting period the Secretary of State certified to Congress that: Iran is transparently, verifiably, and fully implementing the JCPOA; has not committed a material breach with respect to the JCPOA; has not taken any action during the reporting period, including covert activities...¹³

This finding is consistent with more than a dozen IAEA reports on Iran's nuclear program and with assessments made by Britain, France, and Germany.¹⁴ Former Israeli Prime Minister Euhud Barak insists that Iran has “kept the letter of the agreement quite systematically...”¹⁵

Some critics have cited Israeli Prime Minister Netanyahu's May, 2018 press conference and his claim --made days before the President's announcement-- that a pilfered store of Iranian nuclear documents proved that Iran had "lied." Danny Yatom, the Prime Minister's former Mossad Director commented, “This is no smoking gun. The gun smoked many years ago. The information could have once been a smoking gun but is irrelevant today.”¹⁶ General Gilad, the former research chief at Military Intelligence, pointed out that the material did not, in fact, prove that Iran was violating the JCPOA.¹⁷ Former Prime Minister Barak observed that...

¹² See footnote 3 and 13. See also, Daniel R. Coats, "Worldwide Threat Assessment," February 13, 2018, p. 7, <<https://www.dni.gov/files/documents/Newsroom/Testimonies/2018-ATA---Unclassified-SSCI.pdf>>; Michael Hayden, "Our intelligence chiefs just want to tell the truth about national security,," *The Hill*, February 15, 2018, <<http://thehill.com/opinion/national-security/373991-dont-knock-our-intelligence-chiefs-for-being-part-of-the-deep-state>>.

¹³ Department of State, "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments," Arms Control, Verification, and Compliance Bureau, April 2018, p. 23, <<https://www.state.gov/documents/organization/280774.pdf>>

¹⁴ Press Release, "Joint statement from Prime Minister May, Chancellor Merkel and President Macron following President Trump's statement on Iran," Prime Minister's Office, May 8, 2018, <<https://www.gov.uk/government/news/joint-statement-from-prime-minister-may-chancellor-merkel-and-president-macron-following-president-trumps-statement-on-iran>>.

¹⁵ Zilber, "Israel's Ex-Prime Minister Ehud Barak Says Keep the Iran Nuclear Deal."

¹⁶ Martin Indyk, @Martin_Indyk, May 2, 2018, https://twitter.com/Martin_Indyk/status/991615959298342913?s=19

¹⁷ Harel, "U.S. Exit From Nuclear Deal Would Help Iran, Former Israeli General Says."

...it was a truly remarkable intelligence achievement... and there was lots of material [there], but nothing that's new. Nothing substantive about what they did and didn't do that wasn't already known to intelligence for years now. Not one new item.¹⁸

It is worth noting that the Israeli government informed Washington about the cache of documents in January, and that Prime Minister Netanyahu brought the subject up in March. Yet there was no change in US assessments of Iranian compliance.¹⁹

Sunset provisions

Many arms control and nonproliferation agreements end after a certain period of time if not extended by the signatories, e.g., the US-Russian New Start Treaty and the original NPT. The JCPOA does not end at a point in the future, though some provisions are phased out over many years. Several of Iran's obligations are permanent. Iran is obliged to forgo nuclear weapons in perpetuity. The Additional Protocol also remains in force. Iran destroyed the heart of its heavy water reactor, and so would have to build a new reactor -- a major and visible undertaking requiring many years.

The more fundamental point, however, is the "sunset" argument does not make any sense. It contends that at the end of 10 or 15 years, important restrictions on Iran's behavior are lifted, and when that happens, terrible events will follow. So now, with the President's decision, we are brought to that point *immediately* rather than 15 years from now.

Imagine I go to the doctor and tell her that an illness is threatening my life, and that I will soon die. She says to me, "I have a pill that can keep you alive for 15 years, but since it does not last forever, I'm not going to give it to you." You would fire that doctor.

Strong access and verification

Some have suggested that IAEA lacks the ability or will to carry out inspections. But as former Secretary Moniz points out, the JCPOA represents the "most intrusive inspection regime in world," and that "the agreement is what gives the

¹⁸ Zilber, "Israel's Ex-Prime Minister Ehud Barak Says Keep the Iran Nuclear Deal."

¹⁹ "Mossad Discovered Iranian Nuclear Archive in 2016 and Smuggled It to Israel in January, Official Says," *Haaretz*, May 01, 2018, <<https://www.haaretz.com/middle-east-news/iran/mossad-smuggled-iranian-nuclear-archive-to-israel-in-january-1.6045870>>; Brian Bennett, "White House Has Known for Weeks About Israel's Stolen Iran Documents," *Time*, May 2, 2018, <<http://time.com/5262076/white-house-iran-israel-stolen-documents/>>.

international inspectors the tools to go anywhere in Iran and have access."²⁰ The agency itself, contrary to assertions by agreement critics, reports that it has, in fact, been carrying out inspections under the Additional Protocol. According to the IAEA, "The Agency... has conducted complementary accesses under the Additional Protocol to all the sites and locations in Iran which it needed to visit..."²¹ Among other things, the Additional Protocol entitles the IAEA to visit military sites, if it has cause to believe that there are prohibited materials or activities at that site. What it does not authorize is fishing expeditions ordered at the whim of member government.

In its report, the agency says that it has had access to sites, but that Iran should provide more "timely and proactive cooperation."²² This speaks both to the value and the efficacy of IAEA verification. If the agency begins to lose access, say to centrifuge production facilities or other provisions that relate specifically to the JCPOA and not its general safeguards obligations or Additional Protocol responsibilities, the world will know less, not more, about Iran's nuclear program. Moreover, it will be difficult to publicly call on Iran to explain its behavior or even discrepancies in its account, if it cannot gather the information in the first place.

The JCPOA is "just" an agreement, not a treaty

The notion that the JCPOA is a "mere" agreement and therefore not important is factually wrong and of dubious logic. The JCPOA is a multi-lateral agreement between sovereign governments, but it is also *anchored in a UN Security Council resolution*, and as such constitutes international law. That is certainly the view of Britain, France, Germany -- who described it as "the binding international legal framework for the resolution of the dispute about the Iranian nuclear programme." This view is shared by the other parties to the agreement and by the overwhelming majority of member states of the UN more generally.²³

Moreover, the notion that just because an agreement is not a treaty, it cannot be important or effective strains credulity. A commitment by the United States of America is a commitment by the United States of America. Trying to explain away

²⁰ Ernest Moniz, "U.S. leaving Iran nuclear deal would be 'tragic,'" *PBS Newshour*, May 2, 2018, <https://www.pbs.org/video/deal-or-no-deal-1525300673/>.

²¹ Francois Murphy, "Iran complying with nuclear deal, but could do better: IAEA," *Reuters*, May 23, 2018, <<https://www.reuters.com/article/us-iran-nuclear-iaea/iran-staying-within-nuclear-deals-restrictions-iaea-report-idUSKCN1IP2IR>>.

²² IBID.

²³ Press Release, "Joint statement from Prime Minister May, Chancellor Merkel and President Macron following President Trump's statement on Iran."

a violation of those commitments by saying the JCPOA is not a treaty misses the point. Americans expect their government to keep its word. Period. It does not want Washington to arbitrarily violate an agreement with no cause and without a Plan B. In addition, the US government has employed similar agreements for decades in service to solving all kinds of problems. In the arena of nonproliferation, for example, the Proliferation Security Initiative (PSI) began as a voluntary, multi-national arrangement. Does anyone say that PSI is not important or that walking out on it would be a good thing? No. No one says that.

Countries in the region (Saudi Arabia, Israel, the Emirates) supported the Administration's decision.

There is no evidence to suggest that Oman, Qatar, Egypt, Jordan, Turkey, or Afghanistan, among others, supported the decision to violate the agreement.

The King of Saudi Arabia and Prime Minister Netanyahu lobbied the President to abrogate the agreement, but it is worth remembering that they were also vocal advocates of the 2003 Iraq War -- a calamitous and costly mistake that made the region even more dangerous for those that live there. Just because a particular leader in the region supports a policy does not make it a good idea.

As regards Israel in particular, one might want to be more precise. Certainly Prime Minister Netanyahu encouraged the US to violate the agreement, but he is not the only voice in Israel. Former Prime Minister Barak and significant figures in the active and retired corps of Israeli defense, intelligence, and nuclear officials supported the agreement, and many of those who had previously been critics have since objected to the idea of unilaterally killing the agreement.²⁴

Particularly interesting are statements by the Israeli Chief of the General Staff, Lieutenant General Gadi Eizenkot, who commands the Israeli Defense Forces (IDF). He suggested that the JCPOA had a positive effect on Israel's security and thus resulted in a reordering Israel's defense priorities, a result reflected in Israel's 2016 National Intelligence Estimate. Indeed, a report by the RAND Corporation observed that "Israeli analysts who favored the nuclear agreement and those who opposed it largely assess the prospects for Iranian compliance with the JCPOA to be high."²⁵

²⁴ See footnotes 9 and 10.

²⁵ See Graham Allison, "Is Iran Still Israel's Top Threat?," *The Atlantic*, March 8, 2016. <https://www.theatlantic.com/international/archive/2016/03/iran-nuclear-deal-israel/472767/>; Dalia Dassa Kaye, "Israel's Iran Policies After the Nuclear Deal," Santa Monica, CA: RAND Corporation, 2016, p. 7, <<https://www.rand.org/pubs/perspectives/PE207.html>>.

Iran does bad things (regional activities, human rights, etc.)

As I have indicated in previous testimony, "The JCPOA is a nuclear agreement. It is not an agreement on regional relations, human rights, or other issues. And it is a nuclear agreement for a good reason: denying Iran nuclear weapons is the uncontested, single most important American objective in the Gulf. Iran supports policies that run contrary to American interests and the interests of our allies, but the only thing worse than an Iran that does bad things is an Iran that does bad things and has nuclear weapons."

4. The negative consequences of violating the agreement for US national security and America's standing in the world

A. The decision was poorly thought out, leaving the US with no strategy and unprepared for what will come next.

Speaking *the day before* the President's announcement on his trip to Washington, British Foreign Secretary Johnson --representing America's closest ally-- lamented on *Fox and Friends* that "plan B does not seem, to me, to be particularly well developed at this stage."²⁶ Similarly, Israel's General Gilad had advised that if the US was going to break the agreement, then they should "prepare for alternatives, and I don't see this being done."²⁷

Here in the US, following the President's announcement and Secretary Pompeo's speech describing the Administration's new approach, many observers were dismayed by the lack of a real strategy. It appeared as if the President ripped up the agreement with no thought or preparation for what would come next. Writing in the *Washington Post*, Josh Rogin, a frequent critic of President Obama's Iran

²⁶ "Don't 'Junk' The Iran Nuclear Deal, Boris Johnson Says On 'Fox & Friends,'" *NPR*, May 7, 2018, <<https://www.npr.org/sections/thetwo-way/2018/05/07/609025517/dont-junk-the-iran-nuclear-deal-boris-johnson-says-on-fox-friends>>.

²⁷ Amos Harel, "U.S. Exit From Nuclear Deal Would Help Iran, Former Israeli General Says," *Haaretz*, June 5, 2018, <https://www.haaretz.com/amp/israel-news/.premium-israeli-ex-intel-official-u-s-exit-from-nuclear-deal-would-help-iran-1.6055374?__twitter_impression=true>.

policy, was incredulous that the "strategy speech lacked a strategy."²⁸ The is no "Plan B," concluded Daniel Dresner from Georgetown.²⁹

In the Secretary of State's Pompeo's presentation, he provided a laundry list of complaints about Iran from corruption to environmental mismanagement, suggesting that all were reasons to break the agreement, even as he conceded that the nuclear issue "presents the largest, most severe threat for sure."³⁰ He listed 12 "demands" that Iran must meet --including that it abandon its own allies-- before a formal treaty would be submitted to the Senate. How long would this take? He did not say.

For his part, the President admitted that if he were the Iranians, he probably would not negotiate with the US under these circumstances: "I'd probably say the same thing if I was in their position."³¹ Here the President would seem to be correct. It is rare when one country violates an agreement, threatens the other country, demands that it capitulate in every possible way and then the accused country responds with enthusiasm for returning to the bargaining table. This is even more so in the case with Iran, a proud nation whose distrust of Washington goes back to 1953 and the US-sponsored coup that brought the Shah to power. Why, the Iranians will say, would we negotiate an agreement when you just tore up an agreement that took three years to negotiate, and when your real intention is regime change?

So what is supposed to produce this unlikely outcome of a new nuclear agreement? Sanctions, of course. Secretary Pompeo's "strategy" is an economic war against Iran. Sanctions are one of several useful options at the disposal of the US, but sanctions are a tool, not a strategy.³² Moreover, the conditions necessary for

²⁸ Josh Rogin, "Pompeo's Iran strategy speech lacked a strategy," *Washington Post*, May 21, 2018, <https://www.washingtonpost.com/news/josh-rogin/wp/2018/05/21/pompeos-iran-strategy-speech-lacked-a-real-strategy/?utm_term=.e9b04ba6b29c>.

²⁹ Daniel Dresner, "The Trump administration still has no Plan B on Iran," *Washington Post*, May 22, 2018, <https://www.washingtonpost.com/news/posteverything/wp/2018/05/22/the-trump-administration-still-has-no-plan-b-on-iran/?utm_term=.359564d20d5b>.

³⁰ Mike Pompeo, "After the Deal: A New Iran Strategy," Remarks delivered at the Heritage Foundation, May 21, 2018, <<https://www.state.gov/secretary/remarks/2018/05/282301.htm>>.

³¹ Donald J. Trump, "Full transcript of Trump's speech pulling U.S. out of Iran nuclear deal," *Cox Media Group* (National Content Desk), May 08, 2018, <<https://www.ajc.com/news/national/full-transcript-trump-speech-pulling-out-iran-nuclear-deal/htdRdreVy4HqnREDhO8n3O/>>.

³² George Lopez, "America should take caution with maximum pressure Iran sanctions," *The Hill*, May 22, 2018, <<http://thehill.com/opinion/international/388757-america-should-be-cautious-with-maximum-pressure-iran-sanctions>>.

effective sanctions (e.g., the support and cooperation of other countries) are not present in this instance.³³ Even during the JCPOA, the US had maintained its own national sanctions, so it remains less than obvious how simply doing more of what the US has been doing on its own for 20 years will persuade Iran to wave a white flag and surrender to its perceived adversary. If anything, the Iranians-- having been humiliated-- will likely dig in deeper.

The US has gone from being part of the strongest multi-lateral nonproliferation agreement in nuclear history to no strategy, few friends, no timetable for achieving our objectives, and an Iran now free to advance its civilian nuclear program. Indeed, more than one observer has suggested that the scuttling the JCPOA "would mainly help Iran."³⁴

B. It increases risk of proliferation in Middle East

America's most important national security objective in the Middle East is to prevent the spread of nuclear weapons, an objective that now has been discarded in favor of other concerns. Given the US violation, Iran can, unfortunately, respond in kind. The core of the JCPOA was its restriction of Iran's nuclear activities in return for sanctions relief. If Iran does not receive the relief it was promised, it will see no need to abide by the restrictions.

This is partly a matter of domestic politics. Recent polling suggests that the Iranian people --the very people that the President and Secretary Pompeo say they want to help-- are upset with the President's actions and primarily hold the US responsible for diminished economic gains from the JCPOA. Only 5% of the Iranians interviewed thought that the United States would keep its word, and 67% of respondents said that Iran should retaliate against the United States, if it violates the agreement. Just 31 percent thought that Iran should stay in the agreement under those circumstances.³⁵

³³ IBID.

³⁴ Amos Harel, "U.S. Exit From Nuclear Deal Would Help Iran, Former Israeli General Says."

³⁵ Amir Farmanesh, "Iranian Attitudes on JCPOA pre-Trump Announcement," *IranPoll*, May 2018, <<https://static1.squarespace.com/static/5525d831e4b09596848428f2/t/5af1c7d9f950b779a9d71636/1525794781666/IranPoll+exclusive+Apr+2018+results+2018-5-8.pdf>>. See also, Ali Arouzi and Saphora Smith "Iranians fear the future after Trump exits Iran nuclear deal," *NBC News*, May 10, 2018, <<https://www.nbcnews.com/news/world/iranians-fear-future-after-trump-exits-iran-nuclear-deal-n872931>>.

The Iranian system is part authoritarian, part republic. Public opinion is an important consideration for the country's decision-makers. More importantly, the US violation of the JCPOA has placed the Rohani government in a precarious position, in which it must simultaneously attempt to sustain the JCPOA with Europe while conceding to hardliner demands for a more provocative response. The decision has strengthened the hands of hardliners, who on Iranian social media and public forums extoll the value of "weapons" over "agreements." In short, the Trump Administration's decision to leave the agreement has given the hardliner interpretation greater credibility within the Iranian government. This week, we may have witnessed the first evidence of these dynamics: Iran's announcement to the IAEA that it plans to expand its production of uranium feedstock.³⁶

To be clear, the Director of National Intelligence (DNI) has assessed that Iran halted its nuclear weapons program in 2003 and has not yet made a decision to build a bomb, and the potential end of the JCPOA is unlikely to change that fact in the near term. Presently, Iran is more likely to expand its civilian program rather than initiate a new weapons program.

But by ending the JCPOA, the Administration has both improved Iran's *capability* to pursue such a course and has created *conditions* that might lead to that outcome. Threatening Iran --*after* they had submitted to an agreement-- making demands that no country would ever agree to (and thus making it look like there is no real intention to negotiate), and loose talk that sounds like "regime change," increases the pressure on Iran to consider its nuclear options -- the very opposite of what is in US security interests.

And Iran is not the only country watching. Others in the region see that the restrictions of the JCPOA have been undercut, and they may worry that Iran will go for the bomb, the DNI notwithstanding. If so, then they may conclude that they need to take steps as well. If Iran responds to the US moves by resuming some of its prior nuclear activities, some actors may see this not as political tit-for-tat, but as signaling an interest in nuclear weapons, one that might require that they explore their own nuclear weapons options.

At a minimum, Saudi Arabia may demand greater latitude for its civilian nuclear program. The Trump administration is demanding Riyadh pledge to uphold the

³⁶ "Iran tells IAEA it plans to produce feedstock for centrifuges," *Reuters*, June 5, 2018, <<https://www.reuters.com/article/us-iran-nuclear-iaea/iran-tells-iaea-it-plans-to-produce-feedstock-for-centrifuges-idUSKCN1J11Z0>>.

“Gold Standard” of no enrichment. If, because of the collapse of the JCPOA, Iran advances its civilian nuclear program, Riyadh is unlikely to bend to US pressure for the gold standard.³⁷

The single biggest potential, near-term cause of proliferation in the Middle East concerns what might happen in the wake of a US or Israeli attack on Iran's nuclear facilities. As I have written elsewhere, there are good reasons to believe --based on history and on Iran's particular profile-- that following such an attack, Iran will make the bomb decision it had not yet made. At that point, following a military strike and an Iranian decision to build nuclear weapons, the region will be teetering on the edge, and the world will be a very dangerous place -- for American troops deployed to the region and for America's interests.

But is the US or Israeli likely to strike Iran? That question is the focus of the next section.

C. Increases risk of war

There are two main paths to war with Iran in the coming months and years. One is the that US backs into a war it did not intend, and the other is that it deliberately chooses war in the name of regime change. It is difficult to estimate whether the Administration has adopted a regime change strategy or might in the future, though as discussed below, there are certainly signs that suggest that. On the other hand, it is not difficult at all to imagine how violating the JCPOA sets off a series of events that leads to the use of military force.

As suggested above, there will be strong domestic political pressure in Iran to respond to the President's words and actions. This pressure will come from the top, that is, political elites seeking to undermine Rouhani and his centrist camp and to play the nationalism card for their own political gain. There will also be pressure from the bottom up, as average Iranians demand that their government stand up to what they will see as American bullying and perfidy.

³⁷ Nicholas Miller and Tristan Volpe, “Geostrategic Nuclear Exports: The Competition For Influence in Saudi Arabia,” *War on the Rocks*, February 7, 2018, <<https://warontherocks.com/2018/02/geostrategic-nuclear-exports-competition-influence-saudi-arabia/>>.

If Iran begins to take steps -- reintroducing centrifuges, reducing IAEA access, uranium enrichment at Fordow, enriching to 20% -- there will be an immediate public outcry. Many of those who advocated ditching the JCPOA will be *the very same people* demanding military action -- despite the fact that it was their behavior that got us here in the first place. The US media, not well versed in nuclear issues, will characterize it as Iran resuming its nuclear *weapons* program, not its *civilian* nuclear program. Both the President and Secretary Pompeo, have publicly threatened Iran with punishment, if it resumes its prior nuclear activities, pre-JCPOA.

In any case there will be strong pressure to do something, and with the US having thrown away all its options except for military strikes, the chances of a conflict will certainly increase.

There is also a possibility that the Administration will adopt a regime change strategy. I have my doubts that the President has any strategy at all or is himself strategic in orientation, but others point out that the President himself and many in his administration --from Mr. Bolton to Secretary Pompeo -- have advocated regime change in the past.³⁸ Many of these same officials were architects of the disastrous invasion of Iraq in 2003.³⁹ But it may not simply be the advisers. Mr. Giuliani recently assured an audience that the President is “as committed to regime change as we are.”⁴⁰

³⁸ John R. Bolton, "To Stop Iran's Bomb, Bomb Iran," *New York Times*, March 26, 2015, <<https://www.nytimes.com/2015/03/26/opinion/to-stop-irans-bomb-bomb-iran.html?>>.

³⁹ Eric Lutz, "Trump's decision to pull out of the Iran Deal echoes the lead-up to the Iraq War," *Mic*, May 9, 2018, <<https://mic.com/articles/189304/trumps-decision-to-pull-out-of-the-iran-deal-echoes-the-lead-up-to-the-iraq-war#.46hRRIGkJ>; See also Fareed Zakaria, "Trump's only possible Iran strategy is a fantasy," *Washington Post*, May 10, 2018, <https://www.washingtonpost.com/opinions/global-opinions/trumps-only-possible-iran-strategy-is-a-fantasy/2018/05/10/52626b4e-5494-11e8-a551-5b648abe29ef_story.html?utm_term=.915bac7414df>.

⁴⁰ Brent D. Griffiths, "Giuliani: Trump is 'committed to' regime change in Iran," *Politico*, May 5th, 2018, <<https://www.politico.com/story/2018/05/05/giuliani-trump-iran-regime-change-570744>>.

Other have warned that a military strike is very much in line with Likud Prime Minister Netanyahu's objectives,⁴¹ and that he may push the President in this direction.⁴²

I am in no position to judge the President's motives. I can say with confidence, however, that by violating the JCPOA, the President has created conditions that could result in a military conflict, whether that result is by design or by error.

D. Undermines the European alliance

Americans fought and died in World War I and World War II, wars that resulted in millions of deaths and the destruction of Europe. The US paid that terrible price for one reason, the threat to Europe was a direct threat to the future security of the United States. Had Europe fallen to the Nazi's or the Soviets, the US would have faced a terrible enemy alone. Coming out of the ashes of WWII, the Atlantic and European alliances have been the single most important instrument for America's national security.

The President has shown little interest in the European alliance or Europe for that matter. With the US withdrawal from the Paris climate accord over the objections of our allies, the imposition of tariffs, and other actions, this Administration has steadily chipped away at the political relationships at the core of the alliance.

So it was not a good situation to begin with, and now the President has unilaterally withdrawn from an international agreement to which our European allies are key members, despite every effort by Britain, France, and Germany to accommodate the President's demands. Adding insult to injury, the Administration not only ignored their requests to stay in the JCPOA, it is now threatening sanctions against European firms, if they *continue to abide by the JCPOA* and the accompanying UN Security Council resolution. The requires repeating: The United States of America is threatening to punish our European allies, if they refuse to violate the

⁴¹ Amos Harel, "Israel Hopes Trump Scrapping Nuclear Deal Could Ultimately Lead to Iran Regime Change," *Haaretz*, May 6, 2018, <<https://www.haaretz.com/israel-news/israel-hopes-trump-exiting-nuclear-deal-may-lead-to-iran-regime-change-1.6054152>>.

⁴² Graham Allison, "On Iran: Don't Let Bibi Sell Us Another War," *National Interest*, May 7, 2018, <<http://nationalinterest.org/feature/iran-dont-let-bibi-sell-us-another-war-25729>>; Bruce Reidel, "Don't let Israel and Saudi Arabia drag the U.S. into another war," *Brookings*, May 15, 2018, <<https://www.brookings.edu/blog/order-from-chaos/2018/05/15/dont-let-israel-and-saudi-arabia-drag-the-u-s-into-another-war/>>

agreement. As Josh Rogin opined, the state of affairs should "shock those who care about the transatlantic alliance."⁴³

Not surprisingly, Europe is confused and angry. French President Macron called the US policy "insane."⁴⁴ Writing in the Financial Times, Philip Stevens literally says "enough": "How has the US managed so comprehensively to isolate itself among friends and allies and thus empower its adversaries? Enough really is enough."⁴⁵

Sadly, critics of the JCPOA have responded to Europe's concerns --they are physically closer to Iran and the region than the US-- by impugning their integrity, saying that all the Europeans care about is money. They apparently have forgotten the British soldiers who died fighting in Iraq and NATO casualties suffered in Afghanistan.

There was a time when America was the "leader of the free world." Leadership is when you take action and are followed by others who share your views and have confidence in your leadership. Leadership is not walking away from commitments and then threatening your friends, if they do not do the same. Not a single country followed the US out of the JCPOA. Not one. That is not leadership. That is not making America great. It is making America isolated.

4. Makes the problems of Iranian military spending, ballistic missiles, regional activities, human rights worse, not better

The administration has cited a number of areas of concern about Iran, including its regional behavior, military expenditures, missile program, human rights record, and role in Afghanistan⁴⁶, among others. These are real concerns, though in some

⁴³ Josh Rogin, "Pompeo's Iran strategy speech lacked a strategy."

⁴⁴ Julian Borger, Donald Trump likely to scrap Iran deal amid 'insane' changes of stance, says Macron, *The Guardian*, April 26, 2018, <<https://www.theguardian.com/world/2018/apr/25/macron-goes-against-trump-on-paris-climate-deal-and-iran-nuclear-accord>>.

⁴⁵ Philip Stephens, "How Europe should react to Donald Trump," *The Financial Times*, May 11, 2018.

⁴⁶ Iran is the single largest source of Afghan imports and is among its top five trading partners. A re-imposition of sanctions threatens the India backed Chabahar port project in Iran that is largely funded by India. The Chabahar port complex in Iran will offer a new route for supplies into Afghanistan that circumvents the violent Afghanistan-Pakistan border, providing Afghanistan with millions of dollars in potential new trade. However, multiple contracts have already been delayed due to fears that companies and banks could face secondary sanctions in connection to

cases as I have written elsewhere, the concerns are exaggerated or without context.⁴⁷

Regarding regional affairs for example, many object to Iranian meddling, but Saudi Arabia essentially kidnapped the Lebanese Prime Minister and forced him to resign on TV from Riyadh (a move he later reversed once home), ignored demands from the UN Secretary General that it allow humanitarian relief into Yemen which was facing a cholera epidemic, and blockaded Qatar -- a US ally that host the largest US military base in the region. This is meddling in the region, a practice that many of the states of the Middle East have engaged in for decades. (Similarly, Saudi Arabia receives a lower human rights rating than Iran by Freedom House.)

In any case, there are real and serious concerns about Iranian behavior. The question at issue, however, is whether violating the JCPOA and declaring economic war on Iran will mitigate or exacerbate those problems.

I begin with the premise that a state's number one priority is to defend itself against threats, as it perceives them, and that any country will make the necessary sacrifices to assure its own security. So will Iran, in the aftermath of US actions, feel more threatened or less threatened? It would seem likely that they will feel more threatened for reasons discussed above. Indeed, it appears as if the President's "strategy" is to make Iran feel more threatened, and certainly the appearance of a regime change strategy would reinforce that perception.

Research and scholarship in security studies would predict that, on average, as countries feel more threatened they are more likely, not less likely, to spend money on their military and develop weapons, e.g., missiles. They are more likely, not less likely, to hold their allies close in anticipation of a conflict, and more likely to attempt undermine their adversaries to prepare for a coming war.

the project. If Washington fails to provide exemptions for this project it will alienate New Delhi and Kabul, reinforce Afghanistan's illicit economy, and undermine its own efforts to compel Pakistan to cease its clandestine support of armed terrorist organizations like the Haqqani Network. This is because that strategy hinges on Afghanistan's ability to diversify its trading partners. "Afghanistan Trade Summary 2016 Data," *World Integrated Trade Solution*, June 5, 2018, <<https://wits.worldbank.org/CountryProfile/en/Country/AFG/Year/LTST/Summary>>; Jonathan Landay and Rupam Jain, "U.S. sanctions on Iran threaten vital Afghanistan trade project," *Reuters*, May 20, 2018, <<https://www.reuters.com/article/us-iran-nuclear-afghanistan-analysis/us-sanctions-on-iran-threaten-vital-afghanistan-trade-project-idUSKCN1IL04G>>.

⁴⁷ See, for example, Walsh, "Comments on the Recently the Recently Negotiated Joint Comprehensive Plan of Action;" Walsh, "Iran Terror Financing and the Tax Code."

The prospects for democracy and human rights will be similarly, adversely affected. Iranians who object to the social police, corruption, or a poor economy will nevertheless rally around their country, if they view it as under attack. And as I pointed out earlier, the Iranian people are already angry with the US for violating the agreement, as well as for the "Muslim ban" and other policies. The specter of an outside threat also provides the state with an easy excuse to crack down on dissent and to accuse any opposition as being beholden to a foreign power. It reduces the chances that those already arrested will be released and makes any engagement with Iranian civil society more difficult, if not impossible.

Such a response is not particular to Iran, though one might be tempted to say that the effects may be even more pronounced in the case of Iran given its history and its sense of pride. But this is not an Iranian dynamic. It applies to virtually any government under threat by an outside power, and all the more so, when the outside power's "demands" are essentially nonnegotiable.

Conclusion

Mr. Chairman, Ranking Members, and members of the Committee, I want to thank you again for the opportunity to appear before you on a topic of the utmost importance for US national security and the security of our friends and allies. The JCPOA was a singular nonproliferation achievement that was years in the making. In one day, the President has undercut it, letting Iran out of its nuclear box and setting off a series of events that could bring war and nuclear proliferation to a region that needs neither. We have angered our allies and the Iranian people for whom we profess concern. We have acted without a strategy, without a back up plan, and with no preparation for what will come next. Important concerns such as Iran's regional behavior or ballistic missiles are more likely to get worse as a consequence, not better.

These developments will pose new challenges for American national security, and American people will hold Congress accountable for the results, as it should in a democracy. I remain committed to working with you to protect the American people and our friends abroad. I look forward to future conversations about the dangers and challenges that lie ahead.