

## Arcanum in the news



### HOW CONGRESS BECAME THE FALL GUY FOR OBAMA'S IRAN DEAL

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One of the more astounding features of the current controversy over the Iran nuclear negotiations is the extent to which Congress is being set up to take the blame if the talks go south. A Senate proposal to impose new sanctions on Iran – mind you, if and only if the parties fail to reach a comprehensive deal by a July deadline that they themselves set; and if and only if President Obama decides not to exercise his waiver authority because he's unable to certify that progress is being made – has somehow become a mortal threat to world peace.

According to the president, himself, such deadline-triggered sanctions would be viewed by Iran and our international partners as a supreme act of bad faith. Sanctions would unravel. Iran would walk away from the table and accelerate its nuclear program. The risk of war would rise dangerously.

This campaign to demonize Congress is deeply troubling for any number of reasons. To name but a few:

- Senior U.S. officials have acknowledged that prospective sanctions arguably wouldn't violate the letter of the interim deal known as the Joint Plan of Action (JPOA) – which prohibits the administration from imposing new sanctions during negotiations (versus after they expire), while explicitly recognizing Congress's independent role under our Constitution. Instead, the administration points to the danger that, whatever the JPOA actually says, Iran and our international partners would perceive such legislation as a violation.
- As Sen. Robert Menendez (D-NJ) charged at a recent hearing, the president and his team are parroting Iran's talking points. In essence, Obama is saying that if the Iranians bolt, or the Russians start violating the sanctions regime, they'll be fully justified in doing so. For America's commander-in-chief to endorse the Iranian narrative in this way is a terrible mistake, a negotiating faux pax that screams fear and desperation, and cedes crucial

leverage to our adversaries. Whatever criticisms he has of the Senate proposal, the president should be relentlessly warning Tehran that nothing currently being considered by Congress would warrant a decision to collapse the talks – and should they choose to do so, they'll suffer swift and painful repercussions from a unified American government.

- The president's single-minded effort to paint Congress as the enemy of a diplomatic solution completely overlooks Iran's serial transgressions against the so-called "spirit" of the JPOA. While he's consumed with tarring America's elected representatives as warmongers or political opportunists, Iran's escalating pattern of truly dangerous, destructive, and deceptive behaviors has gone virtually unchallenged – or even worse has been excused away by administration officials.

Beyond the issue of the nuclear talks, Tehran has exploited Obama's over-eagerness for a deal by going on a rampage across the Middle East to advance its hegemonic agenda and threaten U.S. allies. Iran's Revolutionary Guards have all but invaded Syria and Iraq – the latter with what amounts to an American blessing. On the Golan Heights, they and their Hezbollah proxies are looking to establish a new base of operations on Israel's borders. In Yemen, the former government – a critical U.S. counter-terrorism partner – has just been routed by Iranian-backed rebels. Yet good luck searching for a serious presidential word – much less any credible action – warning Iran off its current offensive. On the contrary, you're far more likely to find him bleating on to some sympathetic journalist for helping the Islamic Republic fulfill its potential as "a very successful regional power."

And then there's the nuclear issue itself. Where to begin? Since the JPOA was agreed almost 15 months ago, Iran has methodically pushed every boundary, exploited every loophole, taken advantage of every oversight in the interim deal to advance its nuclear program. Even the short list is depressingly long.

#### **Advanced Centrifuge R&D.**

Iran continues its work to develop a series of next-generation centrifuges that, if ever operationalized, would dramatically shorten the time required to enrich bomb-grade uranium. Just before last November's second extension of the JPOA, the IAEA revealed that Iran had for the first time repeatedly fed uranium gas into a new centrifuge, the IR-5 – a move arguably at odds with the interim accord, and one that Iran agreed to halt when challenged by the U.S. Along similar lines, several months earlier, the head of Iran's Atomic Energy Organization boasted publicly that Iran was now actively engaged in work to develop its most advanced centrifuge yet, the IR-8, whose capacity to enrich uranium would in theory be 16 times greater than the IR-1s currently in use.

#### **Illicit Procurement.**

In a confidential report to the United Nations, the U.S. alleged last fall that Iran's efforts to circumvent sanctions by procuring components for its nuclear program had continued despite the advent of the JPOA. In particular, there had been a significant increase in its efforts to circumvent sanctions with respect to parts for its plutonium-producing reactor at Arak.

## **Ballistic Missiles.**

Iran has persisted in defying all efforts (and Security Council resolutions) to rein in its nuclear-capable ballistic missile program, the largest in the Middle East. Indeed, Supreme Leader Ali Khamenei has openly ridiculed calls to include Iran's missile program in the nuclear talks as "stupid and idiotic" – a view to which U.S. negotiators quickly succumbed.

This despite the fact that Iran is developing longer-range systems, possibly including intercontinental ballistic missiles (ICBMs) capable of hitting the United States, that have little military logic unless coupled with a nuclear warhead; and despite the fact that the IAEA has strong evidence of past Iranian efforts to develop precisely such warheads.

Within weeks of the JPOA going into effect, Iran test-fired a long-range missile. It has continued illicit efforts to procure missile parts. New missile launch sites are being built. And just last week, an Iranian rocket carried Iran's fourth satellite into space orbit, a development whose implications for a nuclear-tipped ICBM program have been obvious since the Soviets launched Sputnik nearly 60 years ago.

## **Weaponization.**

Perhaps most alarmingly, there's strong reason to believe that Iran's efforts to militarize its nuclear program have continued to this day – the JPOA be damned. Last Aug. 29 – more than nine months after the interim accord was announced – the United States sanctioned an Iranian entity called the Organization of Defensive Innovation and Research (and known by its Persian acronym, SPND). The accompanying State Department notice described SPND as "a Tehran-based entity that is primarily responsible for research in the field of nuclear weapons development." SPND was apparently created in 2011 and is headed by Mohsen Fakhrizadeh, for almost two decades the single most important scientist in Iran's quest to build a nuclear explosive device. Throughout the late 1990s and early 2000s, Fakhrizadeh headed up key elements of Iran's clandestine research. After he and his covert program were publicly exposed and sanctioned over the last decade, a new entity, SPND, was established to ensure Iran's undeclared nuclear work continued.

Remarkably, the revelation that Iran's covert weaponization efforts appear to be ongoing – JPOA or not – has barely registered. You'll be hard-pressed to find any detailed reporting on the SPND designation in a major American newspaper. During hours of recent congressional testimony on Iran, senior U.S. officials were asked but a single question about the implications of SPND's continued work and got away with a cursory non-answer.

Nevertheless, when put together the evidence is quite jarring. The fact is that, under cover of the JPOA, Iran appears to be working systematically to advance all three of the elements essential to its nuclear weapons program: 1) the ability to enrich uranium to weapons-grade (by developing more powerful centrifuges); 2) a nuclear explosive device (SPND's continued work); and 3) a delivery vehicle (the ballistic missile program). While President Obama and U.S. negotiators have been fixated on the bright shiny object of reducing Iran's stockpile of 20 percent uranium, the Iranians have slowly but surely been using the breathing space provided by the interim deal to improve parts of their weapons program that aren't yet quite up to snuff. What seems fairly clear is that in terms of sheer technical capability, Iran will be in better position to breakout or sneak out to a bomb in the aftermath of the JPOA than before it took

effect.

The fact that none of this violates the letter of the interim deal speaks volumes about its inadequacies. The fact that none of it has moved the president to direct a word of public warning to Iran about its dangerous activities also speaks volumes about Obama's underlying purpose in these negotiations. The pretense that this process was about compelling a rabidly anti-American theocracy that has been at war with America for the better part of four decades to take a strategic decision to surrender permanently its nuclear weapons ambitions (a la Libya or South Africa) is now out the window. In its place, what remains is the quixotic pursuit of some form of grand bargain, a rapprochement that – while leaving the bulk of Iran's nuclear infrastructure in place – will somehow work over time to tame the Islamic Republic, transform international relations and secure Obama's legacy as a visionary peacemaker.

That is the context for understanding the disturbing paradox we see today. On the one hand, an Iran on the march throughout the region, plotting terror attacks in the Western Hemisphere, and actively seeking to advance key elements of its nuclear program in the middle of a negotiation whose very purpose is to end that program – yet greeted with nary a word of serious opposition from the president of the United States. On the other hand, an increasingly anxious Congress contemplating a rear-guard action to increase U.S. leverage and stop Iran's weapons program before it's too late – smeared at every turn as warmongers and political opportunists, apparently posing the single greatest threat to peace in our time.

Something is indeed terribly amiss with this picture. Yet the prospects for correction at this late date seem, unfortunately, exceedingly dim. The president appears hell-bent on the course he has chosen and Congress, for all its valiant efforts over the years, looks poorly equipped to outmatch him in the head-to-head confrontation that he has forced. Is there a Scoop Jackson among them, or a Republican contender for 2016 with the chops to take the president on, sound the alarm and have the country respond? There's no sign of them yet. As a result, while it may be true that nothing is written, it increasingly looks like Iran's future as a nuclear-threshold state might be the next closest thing.