

September 2, 2015

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

With respect, we urge you and your administration to reconsider your announced intention to veto any Congressional resolution of disapproval of the Joint Comprehensive Program of Action (JCPOA). As you have said, “No deal is better than a bad deal.”

Guided by our experience with U.S. and foreign nuclear weapons programs—as well as with the history and practice of arms control, nonproliferation, and intelligence matters, we judge the current JCPOA to be a very bad deal indeed, as elaborated in the attachment. We believe its fatal flaws cannot be remedied in its current form, even with the best of Western intentions. Consider a few of our reasons:

The JCPOA permits Iran to retain all key equipment, facilities and materials of its nuclear program and undermines Iran’s obligations under the Nuclear Non Proliferation Treaty (NPT). It permits assistance, including from JCPOA signatories, to advance Iran’s programs to develop nuclear weapons and associated delivery systems. Indeed, Mr. President, this JCPOA fails your promise that it would stop Iran from gaining nuclear weapons—it virtually guarantees Iran a deliverable nuclear weapons capability. How can this be considered to be anything other than a bad deal? A far better alternative is to reject the JCPOA, strengthen the sanctions, fall back to the NPT, and take all possible measures to try to enforce it.

The possible military dimensions (PMD) as reported by the IAEA concerns credible indications of the existence in Iran of undisclosed nuclear-related activities involving military related organizations and Iranian activities for developing a nuclear weapon, including the capability to deliver a nuclear weapon by ballistic missile. Prior to completion of the JCPOA, the IAEA and the UN Security Council believed that the only way for these issues to be resolved was for Iran to cooperate fully to resolve these issues “including by providing access without delay to all sites, equipment, persons and documents requested by the Agency.” The May 29, 2015 report of the IAEA Director General (DG) indicates that far from being resolved, the information the IAEA has obtained over the past four years has further corroborated them. That report reiterates the way for the outstanding issues to be resolved is by “increased cooperation by Iran” and timely provision by Iran of the access required by the IAEA Board of Governors and the UN Security Council. Under the JCPOA, Iran only has to participate in technical expert meetings with the IAEA in Tehran and take technical measures as agreed in a “separate arrangement.” On December 15th, the DG is to provide his final assessment, and whether or not he is satisfied that the PMD issues are resolved, Iran, the U.S., the UK, Russia, China, France and Germany will submit a resolution to the IAEA Board of Governors to close them. Gone is the requirement that Iran must cooperate with the IAEA and that it must provide IAEA access to sites, equipment, persons and documents. How can this be considered to be anything other than a bad deal?

Verification, far from being strengthened to address Iran’s 30-year history of noncompliance, is rendered completely ineffective by significant ambiguities in the agreement, the lack of an oft-promised “anytime, anywhere” inspection regime and the addition of cumbersome bureaucratic

procedures that ensure delay or denial of suspect site inspections. Moreover, administration statements that the JCPOA requires Iran to ratify the Additional Protocol are wrong.

These fatal verification flaws are exacerbated by recently revealed “separate arrangements” between the IAEA and Iran. These arrangements are publicly referred to by the IAEA, but are not available to the Congress, the American people, nor, according to your administration, to you. We know that one concerns the Parchin military facility, relevant to the PMD issues. The IAEA has reported that activities that have taken place there since February 2012 are likely to have undermined the Agency’s ability to conduct effective verification. We are especially concerned at a recent Associated Press report – which your administration has not disputed – that Iranians will inspect Parchin and provide photographs and samples to the IAEA. How can this be considered to be anything other than a bad deal? As the late Paul H. Nitze said in his 1988 testimony on the INF Treaty: “Poorly verified agreements are in reality far worse than having no agreement at all”.

Despite the formal request of the Chairman and Ranking Member of the U.S. Senate Foreign Relations Committee that you not seek U.N. approval of the JCPOA before Congress conducted its 60-day review, your administration obtained the elimination of UN Security Council resolutions without any obligation by Iran to fulfill its existing obligations. Especially in light of this ineffective verification regime, the elimination of Iran’s obligations to come back into compliance with the NPT as previously expressed in the UN Security Council resolutions, the JCPOA and its new dispute resolution process lacks credible enforcement mechanisms. We are confident there will never be a “snap back” of sanctions. How can this be considered to be anything other than a bad deal?

The JCPOA legitimizes, rather than eliminates, Iran’s well-known and long-standing nuclear program conducted in violation of Iran’s existing international legal obligations. The precedent for enforcement of all arms control and nonproliferation agreements is extremely damaging. How can this be considered to be anything other than a bad deal?

The only truly unambiguous terms in the JCPOA are those requiring the United States, the European Union, and the United Nations to lift sanctions on Iran. Doing so will, and has already begun to, provide Iran with hundreds of billions of dollars from the United States and access to trade. We wish the newly available funds would be used to better the lives of the Iranian people—but, as your National Security Advisor has acknowledged, the money can be expected to further fuel Iran’s aggressive support for terrorism, conventional and unconventional military programs, and intimidation of its neighbors. At a minimum U.S. defense programs and policies will be complicated by the JCPOA’s unleashing of the aggressive and hostile Iran. Again, Mr. President, how can this be considered to be anything other than a bad deal?

Finally, we are very disturbed by your administration’s unprecedented lack of disclosure to Congress and the American people, in particular, its failure to disclose side deals and the unclassified verification assessment prepared by Secretary of State Kerry.

For these reasons—and others elaborated in the attachment, Mr. President, we urge in the strongest possible terms that you leave U.S. sanctions against Iran intact and that you do not follow through with your promised veto of any congressional resolution of disapproval of the JCPOA.

Sincerely,

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Enclosure: Analysis in Support of September 2, 2015 Letter to President Obama from Nuclear Weapon, Arms Control, Nonproliferation and Intelligence Experts

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