



January 27, 2014

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, DC 20510-2803

Dear Senator Reid:

I am writing with respect to S.1881, the “Nuclear Weapon Free Iran Act of 2013.” Reading the bill calls to mind Dr. Johnson’s dramatization of the astronomer in **Rasselas**, who became convinced that his unremitting observation of the solar system determined its order – an Enlightenment meditation on the limit of reason and the virtue of humility. Just like the astronomer, advocates of more financial warfare on Iran make a remarkable judgment about their ability to direct outcomes, as a reading of the bill text reveals.

The “Findings” section asserts, “Strict sanctions on Iran, imposed by the United States and the international community, are responsible for bringing Iran to the negotiating table.” No mention made, or account taken, of (1) the surprising, arguably transformational, election of Rouhani as president in 2013, and (2) the fact that, despite the plethora of sanctions implemented and the undeniable economic harm done to Iran’s macro-economy, Iran’s mastery of the nuclear fuel cycle has nonetheless occurred. This is not to argue that the sanctions don’t matter; only that the sanctions are part of a complex web of actions and negotiations that have brought both sides to the present point.

Like the bill passed by the House last year, S. 1881 would mandate a virtual global boycott of Iranian petroleum exports, which if successful would remove an additional 1 million barrels a day from the world oil market. Note that world oil prices have not dropped over the past few years, despite the major increase in U.S. production. If such an embargo were successful, would Iran’s regional competitor, Saudi Arabia, make up the difference? Will continued high oil prices not remain a drag on the U.S. economy? The bill would also extend the reach of financial sanctions to all “strategic” sectors of Iran’s economy.

Against the common sense understanding of the interim agreement to engage in comprehensive negotiations – that for the duration of negotiations Iran will curtail or stop specified nuclear-related activities in return for modest, specified sanctions relief and the guarantee that no new sanctions will be implemented – the proponents of S. 1881 assert that the additional sanctions proposed are merely contingent on Iran’s keeping its end of the bargain. And, because sanctions have forced the Iranians to bargain, the prospect of more crippling sanctions will motivate them to negotiate away their entire nuclear capability. On its face, this warrants comparison to Johnson’s astronomer: our sanctions caused the change; therefore, more of our sanctions will lead to our desired outcome.

Much discourse has already occurred on this point. The Administration has been candid in its statements that S. 1881 would blow up the negotiations; hence, the President's declaration of a veto in the event the bill reaches his desk.

But the bill's actual intent may reside in Section 301, titled "Suspense of Sanctions to Facilitate a Diplomatic Solution," which sets forth **the conditions** under which the new sanctions would be suspended. Not merely are compliance with the terms of the interim agreement, the Joint Plan of Action, and good faith negotiation of a comprehensive agreement required; but also that the United States is "working towards a final agreement that will dismantle Iran's illicit nuclear infrastructure to prevent Iran from acquiring a nuclear capability." Given Iran's mastery of the nuclear fuel cycle, how to verify that Iran will not implement that ability in a nuclear weapon is precisely what is to be negotiated, not capability *per se*.

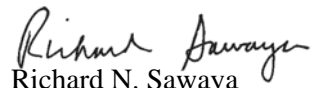
Even that presumption to set the outcome of a final agreement, however, is insufficient to justify suspension. Section 301 also requires that "Iran has not directly or through a proxy, supported, planned, or otherwise carried out an act of terrorism against the United States or United States persons or property anywhere in the world." This, despite the fact that of course Iran holds pride of place on the State Department's State Sponsor of Terror list. And to complete the trifecta, "Iran has not conducted any tests for ballistic missiles with a range exceeding 500 kilometers." The thing speaks for itself indeed.

In other words, the bill quietly moves the goalposts far beyond the original intention of addressing Iran's nuclear ambitions, thus virtually guaranteeing the failure of the talks and the imposition of the bill's additional sanctions. Also, needless to say, nowhere in the bill is there any stipulation that in the event of a successful negotiation between the P5+1 and Iran, the existing sanctions would be **repealed**. One might be hard pressed to find in the annals of diplomacy among sovereign nations a more artfully designed booby trap.

A comprehensive agreement that results in an empirically-based mechanism to guarantee that Iran will not stand up a nuclear weapon may or may not come to pass. But with the decomposition of the post-World War One colonial division of "the Middle East" gathering speed, it is unquestionably worth the effort to try.

In the event of failure, Congress, as the Administration has stated, can double down on financial warfare quickly, but legislation to effectively force the issue now would be an historic mistake. I hope you will oppose S. 1881 should it come to the Senate floor for consideration.

Yours sincerely,


Richard N. Sawaya
Director, USA*ENGAGE