



MICHAEL B. WATSON
MEMBER, 2012-2014

POST OFFICE BOX 6628
WILLIAMSBURG, VIRGINIA
23188

September 1, 2015

The Honorable Tim Kaine
United States Senate
Washington, D.C., 20510

Dear Senator Kaine,

As a constituent, former legislator, and father, I am writing to urge you to reconsider your support for the Joint Comprehensive Plan of Action accord between the E3/EU+3 and the Islamic Republic of Iran ("Iran Nuclear Deal").

Since the Iran Hostage Crisis in 1979, the Iranian regime has been a consistent sponsor of terrorism against the United States and its allies. It has acted directly through hijackings, abductions, and bombings, and by proxy through its support of terrorist organizations including Hezbollah, Hamas, the Taliban, and others. In 2012, the U.S. State Department reported that "Iran remains an active state sponsor of terrorism" and has "increased its terrorist-related activity".

Defiantly, Iran's leaders make no effort to hide its intent. In 2013 Iran's "moderate" President Hassan Rouhani declared "Saying 'Death to America' is easy. We need to express 'Death to America' with action". On July 18th, just four days after signing this accord Iran's supreme leader, Ayatollah Ali Khamenei, responded to chants of "Death to America" and "Death to Israel" by saying that he hoped "that God would answer their prayers".

For years Iran has endeavored to expand its nuclear program. Despite claims that its goals are peaceful, we know better. We also know that Iran has and will use any means, including nuclear weapons if available, to facilitate terrorism throughout the region and on American soil. Today, sanctions are the only peaceful influence we have to prevent this scenario. The passage of the Iran Nuclear Deal will remove that option on day-one, leaving one remaining alternative, all-out war.

You have referred to this deal as "a dramatic improvement over the status quo". Having read the entire text of the accord, I respectfully disagree. That is not to suggest that the status quo is sufficient, rather that we should seek a better deal while we have the opportunity. We have the opportunity today. Once sanctions are lifted, that door will have closed.

Following are just a few of the measures that must be renegotiated in order to secure a meaningful agreement.

1. Under the accord, on "implementation Day" the UN Security Council will terminate restrictions imposed upon Iran under previous resolutions thus "lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear program". This releases over \$100 billion to the world's most prolific state sponsor of terrorism. National Security Advisor Susan Rice said "you should expect that some portion of that money will be used to fund "bad behavior". A renegotiated agreement should assign performance based, incremental relief.
2. The agreement allows Iran 24 days to delay any set of inspections which alone grants time to relocate and sanitize violating activities. The details however, are worse. Paragraphs 74 through 78 lists hurdles the IAEA must overcome prior to inspection. It must advise Iran of the exact location and reason for the request. Iran may then inquire further and respond incrementally. Only if Iran's "explanations do not resolve the IAEA's concerns", may the IAEA "request access" to the suspect site. Nothing in the document however, defines the final authority who will determine if an explanation is sufficient. This must be defined and a firm inspection timeline established regardless of Iran's protests.



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3. We now know that numerous "secret agreements" have been negotiated between the IAEA and Iranian officials. Among them, the Associated Press reports that, Iran will use its own experts to inspect a military site currently alleged to be developing nuclear arms. No such agreements should be allowed outside of the accord.
4. Under measure # 37, once this agreement is adopted, the only possible penalty for non-compliance, whether a minor infraction or blatant disregard for the most critical component of the agreement, is to ask the UN Security Council for "consideration of a snapback" of sanctions, essentially nullifying the agreement. Yet all contracts signed by Iran up to that point are grandfathered in and immune from sanction. This point may be moot however, as it is unlikely that a sufficient number of member states would agree to this action. Under a revised agreement, incremental and automatic penalties proportional to the level of infraction should be assigned.
5. This agreement expires ten years after adoption thus terminating the provisions and measures imposed, leaving only limited voluntary compliance measures in place. At this point, paragraph 24 of Annex V states "the UN Security Council would no longer be seized of the Iran nuclear issue". The White House estimates Iran's current breakout time is two to three months. President Obama conceded to NPR that upon expiration, Iran's "break out time would have shrunk almost down to zero". Is this really the point at which the UN should abandon "Iran's nuclear issue"?

In summary, this deal will facilitate immediate funding for Iran's military and terrorists activities. Our ability to monitor Iran's activities will be delayed and limited. Enforcement will be hampered and rely on Iran's goodwill for inspection of a key military site. Repercussions for non-compliance are nearly non-existent and in 10 – 15 years, when this terrorist nation is ready to develop a nuclear bomb, the UN will wash its hands of the issue.

I struggle to see how this is better than the status quo.

About the time that my children have young families, we will once again assess options for engaging the world's leading sponsor of terrorism. Except then, it will have extensive financial assets, long range missiles, and a nuclear weapon.

On August 25th, a group of nearly 200 retired generals and admirals penned a letter to you and your fellow members of Congress. In it they stated that the agreement "provides Iran with a legitimate path" to develop nuclear weapons and that "this agreement will enable Iran to become far more dangerous, render the Mideast still more unstable and introduce new threats to American interests". Accordingly, they urged you to reject this accord. Many of your colleagues, Democrats and Republicans, are asking you to do the same.

This is likely the most consequential vote you will take during your tenure as U.S. Senator. If these military leaders and your colleagues are right, your ultimate decision on this agreement will define your public service legacy. Sending this accord back to President Obama with a clear message to renegotiate key issues is the only responsible strategy. On behalf of our children and their future families, I urge your reconsideration.

Respectfully yours,

Michael B. Watson
Former Member, VA House of Delegates