
Chairman Robert Menendez
United States Senate
522 Hart Senate Office Bldg
Washington, DC 20510

January 6, 2014

Dear Chairman Menendez,

We ask you and the other cosponsors of the Menendez/Kirk bill, S. 1881, to review carefully whether that legislation serves U.S. national interests and those of our friends and allies. We believe it does not for a number of important reasons.

The bill will threaten the prospects for success in the current negotiations and thus present us and our friends with a stark choice – military action or living with a nuclear Iran. A military strike would not eliminate Iran’s nuclear capacity and may result in the very thing the U.S. hopes to prevent: Iran deciding to seek nuclear weapons. Living with an Iranian nuclear weapon is exactly the outcome the U.S. seeks to avoid with international negotiations.

President Obama’s decision to test the intentions of the new government of Iran offers the best opportunity in decades to see whether there is a peaceful way to achieve all of our most important objectives. More importantly if Iran were to agree to substantial and verifiable limits on its nuclear program -- which they say they are prepared to do – the world would be a safer place than if the international community were to try to achieve such objectives through war.

You and your co-sponsors contend that since sanctions brought Iran to the table to negotiate seriously, then more sanctions or legislated threats of more sanctions would make Iran’s leaders even more determined to give us what we seek. To the contrary, Iranian leaders are more likely to see such Congressional action as a violation of the spirit and perhaps the letter of the Joint Plan of Action of November 24, 2013, and to harden rather than soften their negotiating position. Already, Iranian legislators have threatened to pass a bill requiring enrichment at higher levels -- beyond 20% -- in response to S. 1881.

This kind of tit-for-tat spiral threatens to undermine any possibility of curtailing Iran's nuclear program.

Once the new Iranian president declared his government's readiness to negotiate immediately and seriously a comprehensive agreement to give the international community virtually everything it seeks in return for gradual sanctions relief, the Iranians had every right to assume that the US and the other nations involved in the negotiations would proceed in good faith. Based on our experience born of years of dealings with Iran, we do not believe the Iranians will continue to negotiate under new or increased threats.

The outcome of these negotiations is by no means certain. Should the U.S. Congress decide it must unilaterally seek to add even more burdens now on this complicated and critical process, it is unlikely that the goals of our negotiations can be achieved. Moreover our other negotiating partners (UK, France, Germany, Russia, and China) would be displeased and would conclude that the US is no longer proceeding in good faith in accord with the Joint Plan of Action. This bill could lead to an unraveling of the sanctions regime that the U.S. and its partners have so patiently built.

The United States and its allies in the region would be better off if relieved of the concern that Iran might acquire a nuclear weapon. Israel would no longer have to be concerned that Iran could present an existential threat and would be in a stronger position to defend itself. This is particularly true in view of the capacity for self-defense inherent in Israel's overwhelming military power, both conventional forces and its well-known strategic capabilities.

We urge you to take a second look at this legislation, accept that you have achieved your objective of putting down a marker for Iran, but not press this bill to a vote. You do not sacrifice any of your options by doing so. Negotiators now need a chance to continue to their work. We ask that you stand up firmly for the interests of the United States, as you always have, and allow the negotiations to proceed.

Sincerely,

Ryan Crocker, former Ambassador to Iraq and Afghanistan

Stephen Heintz, President, Rockefeller Brothers Fund

Daniel Kurtzer, former Ambassador to Israel

William H. Luers, former Ambassador to Venezuela and Czechoslovakia

Jessica Tuchman Mathews, President of the Carnegie Endowment for International Peace

Thomas R. Pickering, former Under Secretary of State for Political Affairs, and former Ambassador to Israel, India Jordan, Russia and the United Nations

Paul Pillar, former National Intelligence Officer

Jim Walsh, Research Professor at Massachusetts Institute of Technology

Frank G. Wisner, former Under Secretary of State for International Security Affairs and Under Secretary of Defense for Policy