

The Great Debate

Forgotten flaw in Iran nuclear deal: It lets killers go free

By Robert Morgenthau

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A man holds up a sign as he and several thousand other protesters demonstrate during a rally opposing the nuclear deal with Iran in Times Square, July 22, 2015. REUTERS/Mike Segar

President Barack Obama has in good faith negotiated an agreement with Iran that would end a broad range of economic sanctions on Iran, in return for Iran's promise to scale back its efforts to build a nuclear bomb. I believe that Congress's support of the agreement would be a very serious mistake.

I find persuasive the arguments of many analysts that the proposal fails because it lifts sanctions before Iran has over time proven that it is committed to abandoning its nuclear weapons program.

Perhaps even more importantly, I oppose the agreement because it does not require Iran to stop its funding of Hezbollah and other extremist hoodlums around the world.

But more fundamentally, I oppose the proposal because, while addressing strategic issues, the deal ignores a moral issue, among the most profound of our time.

Put simply: Iran sponsors terrorism. I am convinced I could prove that proposition in a court of law, and indeed some Americans have done so. Survivors of terrorist attacks have sued the Iranian government in American courts, and won significant judgments.

But the Iranian government has refused to pay those judgments, and the proposed agreement does nothing to challenge that intransigence. In fact, the agreement would release up to 150 billion dollars of frozen assets to Iran, without requiring that a dime go to paying off the survivors of Iran-sponsored terror.

I understand that sometimes strategic interests require us to negotiate with enemies; and I do not underestimate the imminence of Iran's development of a nuclear bomb capability. And as a veteran of war, I favor peace, when peaceful means can be found to deter aggression.

But the world has within its grasp those peaceful means, in international sanctions, and those sanctions should be strengthened, not abandoned, so long as Iran sponsors terror against civilian populations and foments unrest among its neighbors. Some of those individuals and entities who will be removed from the sanctions list are associated with terrorism in addition to nuclear proliferation.

I have had the good fortune to have lived through a good deal of history, enough to know that history most often favors principled actions over short-term pragmatism.

One of the most significant regimens of international sanctions ever imposed was the Comprehensive Anti-Apartheid Act of 1986. In response to a humanitarian crisis in South Africa, that law imposed economic sanctions against South Africa, sanctions would not be lifted until South Africa met specified conditions, granting basic human rights to its own people.

When President Ronald Reagan vetoed that bill, Nobel Prize winner Bishop Desmond Tutu predicted that the veto would be "judged harshly by history." Congress overrode the President's veto, kept the sanctions in place – and five years later, minority white rule ended.

Historians still debate the role that those sanctions played in ending apartheid. But I don't think anyone can doubt that Congress would be "judged harshly by history" had it given up, or had it agreed to end sanctions in return for a mere temporary suspension of apartheid rule. Congress met the most important moral issue of its time the way moral issues must be met – with principle.

And so must Congress act today in the face of Iranian terror and aggression.

The proposed agreement contains a very long list of individuals and institutions – previously identified as supporting attacks against the West or Iran's nuclear bomb project – whose names are on international sanctions lists but who, should the agreement be approved, will soon be off. The roll call should make anyone shudder.

For example, among those who would be freed from European sanctions is Ahmad Vahidi, the former commander of Iran's Quds Force of the Islamic Republic's Revolutionary Guard and a suspect in the 1994 bombing of a Jewish Community Center in Buenos Aires. Eighty-five people died in that bombing, and hundreds were injured, making it the deadliest bombing in the history of Argentina.

No one has ever been held accountable for those murdered, a denial of justice that led human rights leaders, among them Pope Francis, to sign a petition in protest. Justice moved slowly, but in 2007, the Argentine judicial authorities identified Ahmad Vahidi as one of those responsible for the bombing, INTERPOL listed him as wanted for "aggravated murder." Incredibly, part of the deal with Iran would remove him from Europe's sanctions list, before he ever faces the bar of justice.

Peruse the agreement some more, and you will find the name of Javad Al Yasin, the head of something called the "Research Centre for Explosion and Impact." Al Yasin was on the sanctions list for his work in developing Iran's nuclear bomb. Not only does the Iranian agreement take Al Yasin off the sanctions list, it even removes sanctions from the Research Centre for Explosion and Impact.

International sanctions against Iran were effective because they created an economic incentive for Iran to come to the bargaining table. But they were effective as well because they prevented funds from reaching named militants and organizations sponsoring attacks against the West. It would be a mistake of historic proportions to remove the sanctions without evidence that Iran has ceased its sponsorship of such attacks, and without a permanent end to their ambitions to build a nuclear weapon.

And so, our negotiators must insist on an agreement in which Tehran agrees to permanent, not temporary, limitations on its abilities to prepare weapons-grade fissionable materials and ballistic missiles.

The sanctions must remain in place until Tehran renounces terrorism, stops funding Hezbollah, and honors judgments awarding compensation to those whose loved ones have been killed in past attacks.

Can we get such a deal? In urging the nation to support the end of sanctions, the president has said that the deal he presented to Congress is the best one that could be negotiated. Others disagree. But whoever is right, one thing is certain: no agreement is worth supporting if it undermines the most basic principles that must govern relations among civilized nations.

Shortly before his death, President John Kennedy delivered a speech in which he told Americans of the peace he hoped to bring to the world. He called it “genuine peace ... not merely peace for Americans but peace for all men and women, not merely peace in our time, but peace in all time.”

The proposed Iran agreement does just the opposite: faced with an international crisis, it just kicks the can down the road. It provides for temporary restrictions on nuclear aggression, while largely ignoring the broader threats of militant attacks and proxy war.

It asks the next generation to solve a problem that this generation refused to address squarely.

We owe it to our progeny to leave a record not of avoidance but of principled action. Congress should reject the proposed agreement.



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