What Kerry and Obama Tried to Keep from Congress and the Public: Iran Will Collect Its Own Samples for the IAEA

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<http://www.nationalreview.com/article/421550/iran-nuclear-bombshell-Iran-police-itself?target=author&tid=906156>

This week brought the stunning news that Senator Tom Cotton (R., Ark.) and Representative Mike Pompeo (R., Kan.) had discovered, during a meeting with IAEA officials, the existence of secret side deal between the IAEA and Tehran — a side deal that will not, like the main nuclear agreement, be shared with Congress. So critics of the agreement were understandably eager to hear an explanation from Secretary of State John Kerry when he and other senior administration officials testified before the Senate Foreign Relations Committee yesterday. The hearing produced a new bombshell: In its investigation of Iran’s past nuclear-weapons-related work, the IAEA will rely on Iran to collect samples at its Parchin military base and other locations. As a former intelligence analyst experienced in the collection of environmental samples for investigations of weapons of mass destruction, I found this allegation impossible to believe when I heard Senator James Risch (R., Idaho) make it yesterday morning.

In his questioning of administration witnesses, Risch said:

Parchin stays in place. Now, does that sound like it’s for peaceful purposes? Let me tell you the worst thing about Parchin. What you guys agreed to was [that] we can’t even take samples there. The IAEA can’t take samples there. [Iranians are] going to be able to test by themselves! Even the NFL wouldn’t go along with this. How in the world can you have a nation like Iran doing their own testing?  . . . Are we going to trust Iran to do this? This is a good deal? This is what we were told we were going to get when we were told, “Don’t worry, we’re going to be watching over their shoulder and we’re going to put in place verification[s] that are absolutely bullet proof”? We’re going to trust Iran to do their own testing? This is absolutely ludicrous. The issue became even more interesting when Senator Robert Menendez (D., N.J.), who learned about the side deal from Risch’s question, had the following exchange with Kerry: Menendez: “Is it true that the Iranians are going to be able to take the samples, as Senator Risch said? Because chain of custody means nothing if at the very beginning what you’re given is chosen and derived by the perpetrator.” Kerry: “As you know, senator, that is a classified component of this that is supposed to be discussed in a classified session. We’re perfectly prepared to fully brief you in a classified session with respect to what will happen. Secretary Moniz has had his team red-team that effort and he has made some additional add-ons to where we are. But it’s part of a confidential agreement between the IAEA and Iran as to how they do it. The IAEA has said they are satisfied that they will be able to do this in a way that does not compromise their needs and that adequately gives them answers that they need. We’ve been briefed on it, and I’d be happy to brief you.” Menendez: “My time is up. If that is true, it would be the equivalent of the fox guarding the chicken coop.” The revelation that Iran will collect samples concerning its own nuclear-weapons-related activity makes the whole agreement look like a dangerous farce. This is not just an absurd process; it also goes against years of IAEA practice and established rules about the chain of custody for collected physical samples.

Senator Risch suggested in his remarks that the IAEA would remotely monitor the Iranians’ taking of samples by video. But even if there were a reliable way to ensure that Iranian “inspectors” were carefully monitored, took samples from locations identified by the IAEA, and provided these samples directly to IAEA officials, the process would still be a sham, since it would still place unacceptable limitations on IAEA inspections. To be meaningful, IAEA inspectors must have unfettered access to suspect facilities and be free to take samples anywhere, using whatever collection devices they choose. Only by collecting samples at locations and with methods that Iranian officials may not have anticipated can inspectors reliably find possible evidence of nuclear-weapons-related work that Iran tried to clean up. That the Obama administration would agree to let Iran collect its own samples at Parchin (where explosive testing related to nuclear-warhead development reportedly took place) and other sites is consistent with reports that surfaced in June (and about which I wrote National Review articles on June 15 and June 17) that Kerry had offered to let Iran off the hook for past nuclear-weapons-related work. Iranian supreme leader Ali Khamenei reportedly rejected this offer as being insufficiently generous. Remember also that Kerry told reporters on June 16: “We’re not fixated on Iran specifically accounting for what they did at one point in time or another. We know what they did.” Kerry walked back this comment, but I believe it represented part of the Obama administration’s negotiating strategy in the Iran talks.

The Obama administration claims that the Iran–IAEA side deal is a confidential and bilateral arrangement reached between IAEA officials and Tehran, and says that it has been briefed on the deal but not seen its actual language. As I wrote here on July 23, I find this impossible to believe, since the apparent arrangement so clearly reflects Secretary Kerry’s attempt last month to make concerns about Iran’s past nuclear-weapons-related work go away. I am glad that Senator Risch ignored the Obama administration’s ridiculous demand to treat the side deal as a classified matter. One has to ask, Classified from whom? Certainly not for Iran, since it is a party to the agreement. I believe Obama officials insisted the deal was classified in order to keep knowledge of it from the American people, and possibly from Middle Eastern states such as Israel and Saudi Arabia that oppose the agreement. I also believe that Congress would not know about this matter at all if IAEA officials had not told Senator Cotton and Congressman Pompeo about it.

Possibly making the situation worse, Fox News analyst Monica Crowley said in a tweet yesterday that there are additional side deals. Omri Ceren, managing director of the Israel Project, a nonprofit advocacy organization, e-mailed me yesterday, writing that “the Israelis are saying there will be several more.” These new developments indicate that not only did the Obama administration negotiate a nuclear deal with Iran that was worse than anyone outside the Obama administration knew only a few days ago, but it also tried to shield a sham inspections process from congressional review, in violation of the law. The entire nuclear agreement is not just a bad deal; it is a deal that now displays the bad faith of the Obama administration toward Congress and the American people. The secret side agreements are yet another compelling reason for a large bipartisan majority in Congress to reject the dangerous nuclear accord with Iran.