

United States Senate

WASHINGTON, DC 20510

October 14, 2015

The Honorable President Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Mr. President,

As you know, Tehran reportedly conducted a long-range ballistic missile test this weekend. This test furthers Iran's intercontinental ballistic missile (ICBM) program and heightens risks to Israel and the United States. White House Press Secretary Josh Earnest admitted yesterday that there are "strong indications that those missile tests did violate a U.N. Security Council resolution (UNSCR) that pertain to Iran's ballistic missile activities." Ambassador Samantha Power echoed that conclusion today saying that "...all the indicators are that it would be a violation." We are interested to know how your administration will respond. We worry that tough statements followed by inaction will further undermine U.S. national security.

This ballistic missile test is troubling for three primary reasons. First, this test furthers Iran's ICBM program. An ICBM is not tangential or unrelated to Iran's nuclear program. The sole purpose of an Iranian ICBM is to enable delivery of a nuclear weapon to the United States. In fact, Director of National Intelligence James Clapper testified in February that "Tehran would choose ballistic missiles as its preferred method of delivering nuclear weapons..." Reinforcing this point, Secretary of Defense Ashton Carter testified in a July 7 Senate Armed Services Committee hearing "...the reason that we want to stop Iran from having an ICBM program is that the I in ICBM stands for intercontinental, which means having the capability to fly from Iran to the United States, and we don't want that. That's why we oppose ICBMs."

Second, this long-range ballistic missile that Iran tested last weekend likely improves Tehran's ability to target Israel—our closest and most reliable ally in the Middle East. A threat combines hostile intent and capability. Time and again, Iran's leaders have made clear their hostile intent with respect to Israel. As recently as last month, Iran's Supreme Leader said Israel "will not see [the end] of these 25 years." This recent ballistic missile test increases Tehran's ability to wipe Israel off the map.

Some in the United States and Europe dismiss these statements by Iranian leaders as overblown rhetoric not to be taken seriously. It is unwise to not take Iranian leaders at their word. On August 21, 2015, Commander of the Aerospace Division of the Iranian Islamic Revolutionary Guard Corps Brigadier General Amir Ali Hajizadeh said, "Some wrongly think Iran has suspended its ballistic missile programs in the last two years and has made a deal on its missile program...We will have a new ballistic missile test in the near future that will be a thorn in the eyes of our enemies." Less than two months later, with this test last weekend, Tehran made good on this promise. Tehran has been consistent in flouting its obligations under

international law and undermining U.S. and Israeli national security interests. In light of this track record and the grave implications of a nuclear attack, the burden of proof is on those who believe Tehran is bluffing with respect to Israel—not those who predict that Tehran will do what it says.

Third, despite the recently finalized Joint Comprehensive Plan of Action (JCPOA), this latest violation of international law demonstrates Tehran’s continued willingness to ignore its obligations. As White House Press Secretary Josh Earnest said yesterday, “We have seen Iran...almost serially violate the international community’s concerns about their ballistic missile program.” We could not agree more.

Unfortunately, Mr. Earnest again reiterated the administration’s flawed argument that Iran’s ballistic missile program should be considered separately from Iran’s nuclear program. As the testimony of your Secretary of Defense, Director of National Intelligence, and former Chairman of the Joint Chiefs of Staff suggests, an Iran with an ICBM capability is a serious national security concern because a ballistic missile is Iran’s most likely means of delivering a nuclear weapon.

That is why, on July 15, 2014, we signed a 28-member letter to you urging your administration to “not conclude a nuclear accord with Tehran without addressing the threat that Iranian ballistic missiles could pose to our nation.” Unfortunately, rather than addressing Iran’s ballistic missile program—which Tehran continued throughout negotiations—the nuclear deal with Iran does the opposite and makes it easier for Iran to develop ballistic missiles.

Not only does this decision to reduce pressure on Iran’s missile program ignore our request, it also contradicts the military advice of then-Chairman of the Joint Chiefs of Staff, General Martin Dempsey. On July 7, 2015, General Dempsey testified in a Senate Armed Services Committee hearing that “Under no circumstances should we relieve pressure on Iran relative to ballistic missile capabilities...” On July 29, General Dempsey confirmed that it was his military recommendation, as your top military advisor, that the United States not agree to lifting the ballistic missile restrictions on Iran. Unfortunately, that is exactly what the Iran deal does.

In light of these developments, we request answers to the following questions:

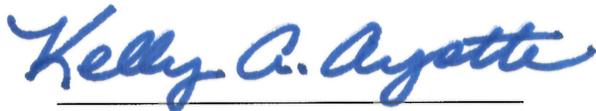
- 1) Does your administration believe Iran’s ballistic missile test violates UNSCR 1929?
- 2) If this test violates UNSCR 1929, doesn’t that trigger U.S. and U.N. sanctions on Iran? Do you commit to not waiving sanctions on any Iranian entity associated with UNSCR 1929?
- 3) Today, Ambassador Power said: “One of the really important features in implementation of the recent Iran deal to dismantle Iran’s nuclear program is going to have to be enforcement of the resolutions and the standards that remain on the books...I think we have to walk and chew gum at the same time.” In light of this

comment, what specific steps does your administration plan to take in order to respond to Iran's ballistic missile tests?

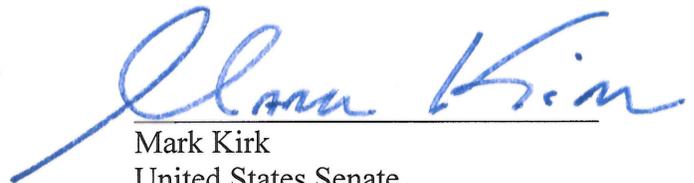
- 4) Given the testimony of senior administration officials, combined with the fact that UNSCR 1929 focuses on the ability of ballistic missiles to deliver nuclear weapons, why does your administration continue to treat Iran's ballistic missile program as an issue that is tangential—rather than central—to Iran's nuclear program?
- 5) In light of your statement on August 5, 2015, that “we need to check the [Iranian] behavior that we are concerned about directly, by helping our allies in the region strengthen their own capabilities to counter... a ballistic missile,” what specific additional steps does your administration plan to take to improve further Israel's ability to defend against Iranian ballistic missiles?
- 6) What specific steps does your administration plan to take to better protect U.S. military personnel in the region from a ballistic missile attack?
- 7) What specific steps does your administration plan to take to improve our nation's ballistic missile defense against a potential ICBM launched from Iran?

Thank you for your attention to this very serious issue.

Sincerely,



Kelly A. Ayotte
United States Senate



Mark Kirk
United States Senate