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FROM SANCTIONS TO THE SOLEIMANI STRIKE TO ESCALATION: EVALUATING THE ADMINISTRATION'S IRAN POLICY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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FROM SANCTIONS TO THE SOLEIMANI STRIKE TO ESCALATION: EVALUATING THE ADMINISTRATION'S IRAN POLICY

Tuesday, January 14, 2020

House of Representatives,

Committee on Foreign Affairs,

Washington, DC

The committee met, pursuant to notice, at 10:13 a.m., in room 2172, Rayburn House Office Building, Hon. Eliot Engel (chairman of the committee) presiding.

Chairman ENGEL [presiding]. The meeting will come to order.

Without objection, all members will have 5 days to submit statements, extraneous material, and questions for the record, subject to the length limitation in the rules.

Before I begin, I want to make the big announcement that today is Mr. McCaul's birthday. So, happy birthday, Mr. McCaul.

[Applause.]

Mr. MCCAUL. I am 35 years old once again.

Chairman ENGEL. Me, too.

Pursuant to notice, we are here today to examine Trump Administration policy toward Iran. I welcome our panel of distinguished witnesses. Welcome to members of the public and the press as well.

We had hoped to hear from Secretary Pompeo today. Well, after we invited him, he announced that he would, instead, be in California. That is unfortunate. Whether you agree with this administration's approach to Iran or not, I do not think there is a member of this committee who does not want to hear from Mr. Pompeo, and the American people certainly deserve to hear answers with our troops and diplomats being asked to stand in harm's way. But this committee will conduct oversight on this issue one way or another. I now recognize myself for an opening statement.

Under the Trump Administration, we have seen tensions with Iran ratchet up bit by bit to a point earlier this month when it seemed we were on the brink of war. Iran bears much of the blame for this escalation. The regime is the world's most prolific State sponsor of terrorism and believes that provocative and destabilizing behavior strengthens its hand. It is what we expect from Iran.

What has helped stave off calamity for four decades is that the United States does not behave that way. We do not play on Iran's turf. Being a world leader means you do not emulate your adversaries. You use your power judiciously on trying to change behavior while seeking to diffuse conflict and prevent bloodshed.

That is why the killing of Qasem Soleimani was such a shock, not because Soleimani was a good guy; just the opposite, he had the blood of many Americans on his hands. He was a hardened ter-

rorist. Democrats and Republicans alike know the world is better off without him. But killing him was a massive escalation. Those who wrongly view him as a martyr have already used his death as a pretext for violence and retribution. Americans have been warned to leave Iraq and have been threatened with kidnapping. Iranian missiles have struck bases where Americans are stationed. Thousands more men and women in uniform have been deployed to the region. The Iraqi parliament has asked our troops to leave the country, even though we rely on that partnership in the fight against ISIS.

Fortunately, for the moment, both the administration and the Iranians have taken a step back. But we have to ask, why was it worth turning the simmer up to a boil? That is where things start to get confusing.

At first, the administration said there was an imminent threat. Why is that important? Because in the case of an imminent threat, the President has authority under Article II of the Constitution to protect Americans. No one doubts that.

But, then, we heard the strike went forward because Soleimani did so many bad things in the past and was plotting for the future. Then, when that did not work, they went back to an imminent threat, but we did not know where or when it would take place. In fact, we do not even know if it was imminent, which makes you wonder if the word "imminent" still has any meaning.

Next, an embassy was going to be attacked. Then, four embassies were going to be attacked. Then, maybe it was not four embassies. Then, it is widely reported that there was another failed strike on a different Iranian Quds Force official in Yemen. So, what was the justification for the strike which killed General Soleimani? Surely neither of the existing war authorizations, the post-9/11 authorization or the 2002 Iraq War authorization, could possibly be contorted into an explanation for attacking Iran and Yemen.

Finally, the administration's rather heavy reliance on the 2002 law which authorized the war against Saddam Hussein is especially dubious. Was there any legal basis whatsoever for this strike that took us to the brink of open hostilities with Iran?

We are not asking these questions because we mourn the death of Soleimani or sympathize with terrorists. And let me say right now that I will not tolerate any member of this committee making that sort of accusation against other Members of this body, even in a general sense. We are all patriotic Americans, Democrats and Republicans alike. We are asking these questions because the American people do not want to go to war with Iran. We are asking these questions because Congress has not authorized war with Iran, as we reaffirmed on the House floor last week. We are asking these questions because war powers are vested in the Congress, and if we allow any administration to carry out strikes like these, to risk plunging us into war without scrutiny, then we might as well cross out Article I, Section 8.

I wanted Secretary Pompeo here today because I think the administration is not being straight with the country or the Congress. And whether you thought the Soleimani strike was a good idea or not, if you believe that Congress is a coequal branch of government and that we need to take back the constitutional powers we have

given away to successive administrations, then I hope you will join me in saying we need answers on the record in an open setting, so the American people can know the truth.

We will not be deterred from our oversight efforts. Since Secretary Pompeo is not here, I am sending him a letter today, as well as to Secretary Esper, demanding that they produce information on the legal basis for the strike that took out Soleimani and on a range of other topics. I will make those letters part of the record of this hearing.

[The information referred to follows:]

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STEINBAUM
STAFF DIRECTOR

MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
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January 22, 2020

The Honorable Mike Pompeo
Secretary
United States Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Mr. Secretary:

I am deeply concerned about recent events in Iraq and the risk and legality of the use of U.S. military force in the region.

Tensions have grown following the December 29th strike against Kata'ib Hezbollah, the January 3rd killing of Qassem Soleimani in Iraq, and recent Iranian ballistic missile attacks on Iraqi bases housing American troops. Additionally, news reports indicate that the United States targeted another Iranian official in Yemen on the same day as the strike against Qassem Soleimani. To prepare for possible further escalation, the United States dispatched a brigade from the 82nd Airborne Division, a variety of ships and aircraft, and additional Marines to our embassy in Baghdad.

The risks and consequences of this escalatory pattern are very serious, and I am firmly committed to ensuring that the Trump Administration does not engage in ill-advised military action against Iran without the prior approval of Congress.[1]

No existing congressional Authorization for Use of Military Force (AUMF) can legitimately be interpreted as authorizing the strike against Qassem Soleimani or any other Iranian official. On June 28, 2019, the Department of State wrote to me that "the Administration has not, to date, interpreted either AUMF as authorizing military force against Iran, except as may be necessary to defend U.S. or partner forces engaged in counterterrorism or operations to

[1] *See U.S. to send 3,000 more troops to Middle East after embassy attack, Soleimani killing,* NBC News, January 4, 2020 (online at, https://www.nbcnews.com/news/military/u-s-sending-thousands-more-troops-mideast-after-baghdad-attack-n1110081).

establish a stable, democratic Iraq."[2] On July 16, 2019, Secretary Esper confirmed in an exchange with Senator Duckworth that neither the 2001 AUMF, which authorized the President to use force against those responsible for the 9/11 attacks, nor the 2002 AUMF, which authorized the use of force to confront the threat posed by Saddam Hussein's Iraq, authorizes the use of military force against Iran.[3] Yet, the President's National Security Advisor, Robert O'Brien, claimed on January 3 that the President's actions against Iran were "fully authorized under the 2002 AUMF."[4]

The Administration owes the American people and Congress a clear explanation of how and why it suddenly believes an 18-year-old authorization for the Iraq War can now be used to fight Iran. The Administration's initial assertion that this AUMF may provide congressional authorization for defensive action against Iran was already legally problematic. That legal theory is further undermined by the lack of evidence provided in support of the Administration's shifting and unsubstantiated claim that offensive military action was necessary to prevent an imminent attack.[5]

This is not the only example of President Trump acting with disregard for the law. On January 4th, the President indicated the U.S. may be considering striking targets "important to Iranian culture." I applaud Secretary Esper's acknowledgment that doing so would violate the laws of armed conflict.[6] As you know, targeting Iranian cultural sites would also be a war crime under U.S. law.[7] It would, thus, be an unlawful order under both domestic and international law.[8] While I appreciate Secretary Esper's public statement that the military would not follow such an order, openly contemplating and publicly signaling the intention to do so greatly undermines U.S. credibility. The fact that our national security professionals were unable to prevent the President from making such threats of illegal action raises profound and troubling questions about how decisions regarding the use of force, including those which could plunge the United States into a war, are being made in the Trump Administration.[9]

---

[2] Letter from Assistant Secretary of State for Legislative Affairs Mary Elizabeth Taylor to Eliot L. Engel, Chairman, House Committee on Foreign Affairs, June 28, 2019.
[3] Testimony of Mark Esper before the Senate Armed Services Committee, July 16, 2019.
[4] *White House says Trump used Iraq War authorization to kill Qassem Soleimani*, The Washington Examiner, January 3, 2020 (online at: https://www.washingtonexaminer.com/news/white-house-says-trump-used-iraq-war-authorization-to-kill-qassem-soleimani).
[5] *Esper Says He Saw No Evidence Iran Targeted 4 Embassies, as Story Shifts Again*, The New York Times, January 12, 2020 (online at: https://www.nytimes.com/2020/01/12/us/politics/esper-iran-trump-embassies.html).
[6] *See*, e.g., 1907 Hague Conventions Respecting the Laws and Customs of War on Land, Art. 22 ("In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.").
[7] *See* 18 U.S. Code § 2441.
[8] *See* Uniform Code of Military Justice, 10 U.S. Code § 892 (requiring military personnel to follow lawful orders).
[9] *See Trump faces Iran crisis with fewer experienced advisers and strained relations with traditional allies*, The Washington Post, January 5, 2020 (online at: https://www.washingtonpost.com/national-security/trump-faces-iran-

As the world's leading sponsor of international terror, Iran continues to play a destabilizing role in the region. On that there is no disagreement. I share a commitment to protecting U.S. military and diplomatic personnel, as well as our allies. However, any potential military action must be based on an honest calculation of regional threats, have clear objectives and end-states in mind, and be lawful under the Constitution and War Powers Resolution.

Therefore, I request that you provide to the Committee the following no later than **Friday, January 31**:

1. A detailed explanation of the President's domestic legal authority to conduct and the lawfulness under international law of:
    a. the December 29, 2019 targeted strike operation against Kata'ib Hezbollah;
    b. the January 3, 2020 targeted strike operation against Qassem Soleimani in Iraq; and
    c. any other strikes conducted in the past 30 days targeting any Iranian officials, Iranian military forces, or other forces supported by Iran.

2. A detailed explanation of whether, and if so why, there was no "possible instance" in which the President could have consulted with Congress as required under section 3 of the War Powers Resolution prior to each strike described above.[10]

3. A detailed explanation of whether, and if so how, each strike described above complies with the United States Government's prohibition on assassinations.[11]

4. A detailed explanation of whether the United States has been in an armed conflict with Iran at any point in the past year, including:
    a. when and the conditions under which any such armed conflict started;
    b. whether any such armed conflict is ongoing and, if not, the conditions under which it ended;
    c. whether Congress was notified of any such armed conflict and, if so, when and in what manner; and
    d. a detailed explanation of the legal implications under domestic and international law of being in an armed conflict with Iran.

5. An analysis of how, in the view of the Executive Branch, the presence of ground troops, the open-ended mission and time frame, the escalatory nature of the U.S. strikes, and any

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crisis-with-fewer-experienced-advisers-and-strained-relations-with-traditional-allies/2020/01/05/9b42a240-2f1a-11ea-9b60-817cc18cf173_story.html).

[10] 50 U.S. Code § 1542.

[11] Exec. Order No. 12,333, 3 C.F.R. 200 (1981).

other relevant factors connected with striking Iran could "rise to the level of a 'war' for constitutional purposes."[12]

6. An analysis of the potential policy consequences of killing Gen. Soleimani, including but not limited to whether killing Gen. Soleimani would prevent or deter future Iranian attacks, disrupt ongoing operations against the Islamic State, increase the risk of escalation, require additional U.S. troops in the region, and increase threats to U.S. persons, facilities, and allies.

7. A detailed description of the imminent attack the U.S. sought to prevent by killing Gen. Soleimani.

8. A description of the options presented to President Trump as potential responses to protests at the U.S. Embassy in Baghdad on December 31, 2019 and January 1, 2020.

9. Any and all documents related to targeting "Iranian sites . . . important to Iran & the Iranian culture," as President Trump threatened to do on January 4, 2020.[13]

10. An analysis of how the United States views any potential or actual request by the Government of Iraq that U.S. forces leave Iraq in the wake of the killing of Qassem Soleimani, including but not limited to the legal and national security implications of such a request.

Thank you for your prompt attention to this matter.

Sincerely,

ELIOT L. ENGEL
Chairman

---

[12] *See, e.g.*, OLC Opinion re April 2018 Airstrikes Against Syrian Chemical-Weapons Facilities (May 31, 2018) (arguing that, in the case of the 2018 Syria strikes, "Given the absence of ground troops, the limited mission and time frame, and the efforts to avoid escalation, the anticipated nature, scope, and duration of these airstrikes did not rise to the level of a 'war' for constitutional purposes").
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Secretary
United States Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

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d. a detailed explanation of the legal implications under domestic and international law of being in an armed conflict with Iran.

5. An analysis of how, in the view of the Executive Branch, the presence of ground troops, the open-ended mission and time frame, the escalatory nature of the U.S. strikes, and any other relevant factors connected with striking Iran could "rise to the level of a 'war' for constitutional purposes."[12]

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Thank you for your prompt attention to this matter.

Sincerely,

Eliot L. Engel

ELIOT L. ENGEL
Chairman

Chairman ENGEL. I hope our witnesses can shed some light on these topics as well. I will recognize each of you to make an opening statement.

And let me just say that, if Secretary Pompeo is not going to cooperate with the committee, then we will consider very strongly taking other actions in the future, including subpoenas.

So, I will recognize each of you to make an opening statement, pending which I yield to my friend, the ranking member, Mr. McCaul of Texas, for any opening statements he wishes to make.

Mr. MCCAUL. Thank you, Mr. Chairman, for holding this important hearing.

I will not repeat the arguments I made on the House floor last week during the war powers debate, other than to say that the world is safer without Qasem Soleimani, Iran's terror commander on the battlefield. And that is something, Mr. Chairman, I think you and I both agree on on this.

Former Obama DH Secretary, a friend of mine, and DoD General Counsel Jeh Johnson said that Soleimani was a, quote, "lawful military objective" and that no further congressional authorization was necessary. I agree with the former Obama Administration Cabinet member. I have talked to him extensively about this strike. He used to authorize these strikes under the Obama Administration. They conducted thousands of them.

I wish Democrats would join in praising the President, as Republicans did when Osama bin Laden was killed. In many ways, Soleimani was just as important, if not more important, of a target. And I know that my colleagues on the other side are also relieved that this threat has been eliminated, but they may not be able to say so as much publicly. I wish they were more willing to recognize that the administration made the right decision in taking out Soleimani.

Debating issues of war and peace is perhaps our most important responsibility on this committee and as Members of Congress. And I am glad that we are finally exerting our jurisdiction under Article I, as I am sure we are not done dealing with this issue.

Soleimani, make no mistake, was a mastermind of terror in the Middle East for over two decades. He was designated as a terrorist by President Obama. He was responsible for the deaths of over 600 Americans and wounded thousands more. Last year, Iran attacked six commercial ships and downed a U.S. drone. Beginning October, Soleimani orchestrated 11 attacks on U.S. forces in Iraq, killing an American and wounding four U.S. servicemembers. Soleimani ordered an attack on our embassy in Baghdad and the damage was extensive, as shown in these pictures. We are lucky that no embassy personnel were hurt or taken hostage.

Two days after the attack on our embassy, the administration struck Soleimani because, to quote Secretary Pompeo, "He was actively plotting to take big action that would put dozens, if not hundreds, of U.S. lives at risk." This was an imminent threat.

Chairman of Joint Chiefs General Milley said the administration would have been culpably negligent if they had not acted. And what if the President had not acted and more Americans were killed in an attack directed by Soleimani? What would the President's critics have said then?

I believe, having been in the White House, the President has shown great restraint regarding Iran. Many other Presidents may have struck after the drone was downed. Many other Presidents may have struck after the American was killed. Many other Presidents would strike after the embassy was attacked. And how many Americans and how many embassies need to be attacked before we respond?

He has been clear and has told me personally just last week that he does not want war with Iran. He wants to de-escalate, not escalate. And he has been very clear with his strategy on Iran. As he told the Nation on Wednesday, he wants a deal that allows Iran to thrive and prosper, provided that Iran finally ends its destabilizing activities in the Middle East.

Iran needs to stop its nuclear program, stop developing ballistic missiles, stop supporting terrorists and proxies, stop taking hostages, stop oppressing its own people, and act as a responsible, normal nation would on the world stage.

For the second time in recent months, the Iranian people are bravely protesting the conduct of this theocratic, despotic regime. Protesters across Iran are furious because the regime shot down a commercial airliner just last week, killing 176 innocent people, many of whom were Iranian. And even worse, the regime did not even admit to having done it for 3 days. They intentionally lied to their own people and to the world.

We are already seeing allegations, including video footage, depicting the regime's violence against its protesters. These are human rights violations. An Iranian Olympic medalist announced this week that she was defecting Iran because of the "hypocrisy, lies, injustice, and flattery". Yesterday, Iran's State TV anchor resigned after more than 13 years saying, quote, "It was very hard for me to believe the killing of my countrymen. I apologize for lying to you on TV for 13 years." In November, the Iranian regime brutally suppressed popular protests sparked by an increase in gasoline prices, shutting down the internet, and then, killing 1500 of their own citizens.

Let me be clear: we stand with the people of Iran demanding accountability from their leaders. And I want to thank the President for loudly and clearly defending the rights of the Iranian people and urging the regime not to use violence against them.

I would like to close by focusing on Iraq. The United States supports a strong, sovereign, and prosperous Iraq. Those responsible for violence against protesters and journalists must be held accountable, including for the killing of two journalists in Basra this weekend. We stand with the Iraqi people and support their right to freely assemble. We will always support freedom wherever it is. We will always support human rights wherever it is a struggle.

And with that, Mr. Chairman, I want to thank the witnesses. I look forward to their testimony, and I yield back.

Chairman ENGEL. I thank the gentleman.

I will now introduce our witnesses. Dr. Richard Haass is the President of the Council on Foreign Relations. He previously served as the Senior Middle East Advisor to President George H. W. Bush, as the State Department's Director of Policy Planning under Secretary of State Colin Powell, and in various positions in the De-

fense and State Departments during the Carter and Reagan Administrations. He was also U.S. coordinator for policy toward the future of Afghanistan, and the U.S. Envoy to both the Cypress and Northern Ireland peace talks.

Avril Haines is a senior research scholar at Columbia University, senior fellow at the Johns Hopkins University Applied Physics Laboratory, non-resident senior fellow at the Brookings Institute, and a principal at WestExec Advisors. During the last administration, Ms. Haines served as Assistant to the President and Principal Deputy National Security Advisor. She also served as a Deputy Director of the Central Intelligence Agency and legal advisor to the National Security Council, in addition to other senior legal positions at the State Department and the U.S. Senate Committee on Foreign Relations.

Stephen Hadley is a principal of Rice, Hadley, Gates, LLC, an international strategy consulting firm. Mr. Hadley is also a board chair of the United State Institute of Peace and an executive vice chair of the board of directors of the Atlantic Council. Mr. Hadley served for 4 years as the Assistant to the President for National Security Affairs from 2005 to 2009. From 2001 to 2005, Mr. Hadley was the Assistant to the President and Deputy National Security Advisor, serving under then-National Security Advisor Condoleeza Rice. Mr. Hadley had previously served on the National Security Council staff and in the Defense Department, including an Assistant Secretary of Defense for International Security Policy from 1989 to 1993.

So, I thank our witnesses for joining us. Without objection, your complete prepared testimony will be made part of the record.

I will now recognize you each for 5 minutes to summarize your opening statement, and we will begin with Dr. Haass.

STATEMENT OF RICHARD HAASS, PRESIDENT, COUNCIL ON FOREIGN RELATIONS

Dr. HAASS. Thank you and good morning.

Let me say that recent events that we are discussing here today did not take place in a vacuum. They can only be understood against the backdrop of nearly three-quarters of a century of history, in particular, recent history. Here I would highlight the American decision in 2018 to exit the 2015 nuclear agreement, the JCPOA, and the decision to introduce significant sanctions against Iran. These sanctions constituted a form of economic warfare. Iran was not in a position to respond in kind and, instead, instituted a series of military actions meant to make the United States and others pay a price for these sanctions; and therefore, to conclude they needed to be removed. It is also important, I believe, to point out here that the United States did not provide a diplomatic alternative to Iran when it imposed these sanctions. This was the context in which the targeted killing of Qasem Soleimani took place. This event needs to be assessed from two vantage points.

One is legality. It would have been justified to attack Soleimani if he was involved in mounting a military action that was imminent. If there is evidence that can responsibly be made public supporting that these criteria were met of imminence, it should be. If, however, it turns out the criteria were not met, that what took

place was an action of choice rather than necessity, I fear it will lead to an open-ended conflict between the United States and Iran fought in many places with many tools and few red lines that will be observed.

The President tweeted yesterday that the question of imminence does not really matter. I would respectfully disagree. Imminence is central to the concept of preemption which is treated in international law as a legitimate form of self-defense. Preventive attacks, though, are something very different. They are mounted against a gathering threat rather than an imminent one, and a world of regular preventive actions would be one in which conflict was prevalent.

It is even more important to assess the wisdom of the targeted killing. There is no doubt, as the chairman said, that Mr. Soleimani had blood on his hands and was a force for instability in the region. And I do not know of any critic of the strike who mourns his loss. But just because Soleimani was evil, and just because killing him may have been legally justifiable, does not make it wise. And here, I have several doubts.

First, there were other, and I believe better, ways to reestablish deterrence with Iran. Second, the killing interrupted what I believe were useful political dynamics in both Iran and Iraq. Third, U.S.-Iraqi ties were deeply strained. Fourth, we have been forced to send more forces to the region rather than make them available elsewhere. Fifth, given our worldwide challenges, I do not believe it is in our strategic interest to have a new war in the Middle East. And sixth, Iran has already announced plans to take steps at odds with the JCPOA, which will shrink the window it needs to build a nuclear weapon, if it decides to do so. And if this happens, it will present both the United States and Israel with difficult and potentially costly choices.

I am fully confident that many of you will disagree with part or all of my assessment. But, however we got here, we are where we are. So, let me just say a few things about where we are, what we can expect, and let me make a few policy recommendations.

First, the pause in military exchanges between the United States and Iran is just that, a pause. Iran is not standing down. It will continue to take military actions against the United States, I believe, as well as our allies.

Second, President Trump was clear that Iran will never be able to have a nuclear weapon. This stance is welcome, but it is insufficient. Iran must also be denied attaining what I would describe as a near-nuclear capability. If it were to achieve such a capability, there is the danger at some point it would sprint to put together a small nuclear force and present the world with a fait accompli, and the fact it might do this would be more than enough to persuade several of its neighbors to do the same. Such a scenario would be a strategic and humanitarian nightmare.

The JCPOA was intended to lessen the odds that such a scenario would come about. We can discuss the strengths and weaknesses of the JCPOA in detail. Let me say one thing that I know will come up about it. I understand the JCPOA did not constrain Iran's regional activity. Some would see that as a flaw. I would simple say arms control cannot be expected to accomplish everything, and if

we insist that it do so, we run the risk it will accomplish nothing. Some things like pushing back against what Iran is doing in the region, that is something we and our friends have to do for ourselves. That was a central lesson of the cold war. Grand bargains seek the perfect at the expense of the possible.

Let me just make a few recommendations, and I know my time is growing short. One, the United States should work closely with its allies and other signatories of the JCPOA to put together the outlines of a new agreement. Call it JCPOA 2.0 and present Iran with a new deal. It would establish longer-term or, better yet, open-ended limits on Iran's nuclear missile programs in exchange for sanctions relief. Congress should approve any such agreement to remove the concern that this pact could be easily undone by any President, and such initiatives should emerge from consultation with allies. Our policy toward Iran has become overly unilateral and is less effective for it. This proposal should be specific, reasonable, and articulated in public.

And I want to emphasize the latter. The reason it should be talked about publicly is we should pressure the government in Tehran to explain to the Iranian people why it rejects a fair proposal that would reduce sanctions and raise the standard of living for all Iranians just so it can pursue its foreign policy and national surety goals. And recent protests against the government, against the backdrop of sanctions, create a good context for such a sincere public initiative.

We must also understand that, in the wake of our exiting the JCPOA and introducing new sanctions, we brought about a dangerous situation in which Iran is slowly, but steadily breaking out of the constraints of the accord. It will reduce the time it would need to construct nuclear weapons if it decides to do so.

It is essential, I would argue, that Iran understand the limits to what we are prepared to tolerate. This should be communicated to them and a message should be coordinated with our allies, with Iran's Arab neighbors, and with Israel.

We should act immediately to repair our relationship with Iraq. We do not want to open Iraq to greater Iranian influence, nor do we want to see a reconstitution of terrorism inside its border. The threat of sanctions against Iraq ought to be removed. So, too, should the threat to remain, absent Iraqi permission. A true presence that comes to be seen as an occupation will be forced to spend its time protecting itself and will be unable to partner with Iraqi forces against terrorists.

Last, but not least, let me just make one other point about the need to accept political reality. Regime change in Iran is unlikely. The Islamic Republic is resilient. But, even if this assessment 1 day proves wrong, there is no way of knowing that it will prove wrong or when it might. As a result, regime change cannot be the basis of U.S. strategy. It is beyond our capacity to engineer.

And recent events around the region ought to have taught us that, even when regime change happens, it is not necessarily a panacea in terms of what comes afterwards. What we do need is a strategy for dealing with the Iran that exists and policies consistent with that strategy. Our objective should be to change Iran's behavior, to negotiate an outcome in the nuclear and missile

realms acceptable to both countries, and through our actions in the region, to lead Iran to conclude that it will fail if it continues to try to destabilize the Middle East.

Thank you, Mr. Chairman, for this opportunity to appear here today.

[The prepared statement of Dr. Haass follows:]

COUNCIL on FOREIGN RELATIONS

January 14, 2020

From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy

Prepared statement by
Richard N. Haass
President
Council on Foreign Relations

Before the
Committee on Foreign Affairs
United States House of Representatives
2nd Session, 116th Congress

Mr. Chairman:

Thank you for the opportunity to appear before this committee to discuss U.S. foreign policy towards Iran in the aftermath of the targeted killing of Qassim Suleimani.

I will begin by taking a step back, as recent events did not take place in a vacuum. To the contrary, they can only be understood against the backdrop of nearly seventy years of history and in particular the past four decades since revolution in Iran ousted the Shah and brought about the Islamic Republic. As might be expected, the United States and the Islamic Republic of Iran do not see this history the same way; to the contrary, each country has its own distinct narrative. Iranians tend to highlight the U.S. role in restoring the Shah to power in 1953, the perceived U.S. tilt in favor of Iraq during the Iran-Iraq war, and a host of American policies that they view as hostile. Americans highlight the 1979 embassy takeover and hostage taking, Iran's alleged role in the 1983 bombing of the barracks in Beirut (in which more than 200 marines were killed) as well as the 1996 Khobar Towers bombing, and any number of Iranian-supported actions that have killed Americans and others. It is difficult to exaggerate the degree of suspicion and animosity that results.

More recent history is even more relevant to an understanding of the past few weeks. Here I would highlight the U.S. decision in 2018 to exit the 2015 nuclear agreement with Iran (more formally, the Joint Comprehensive Plan of Action or JCPOA) and to introduce harsh sanctions against Iran. Iran viewed the U.S. withdrawal as an act of bad faith given its compliance with the accord, which the IAEA repeatedly verified. The sanctions meant not only that Iran would not benefit as it expected from the agreement but

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to the contrary would pay a significant price, which in fact it has, with estimates that the Iranian economy contracted by as much as 10 percent last year. The sanctions constituted a form of economic warfare. Iran was not in a position to respond in kind, and instead initiated a series of actions – attacking shipping in the Persian Gulf, downing an American drone, launching missiles that hit Saudi oil installations, and sponsoring the militia that attacked an Iraqi base, killing an American contractor in the process – meant to make the United States and others pay a price for the sanctions and therefore conclude they needed to be removed. It is also important to point out here that the United States did not provide a diplomatic alternative to Iran when it imposed the sanctions; Secretary Pompeo's May 2018 address, which required that Iran alter virtually everything it does in the region and regarding its weapons programs before it could expect any sanctions relief, hardly qualifies.

This was the context in which the targeted killing of Qassim Suleimani took place. That event needs to be assessed from two vantage points. The first is one of legality. It would have been justified to attack Suleimani if he was involved in mounting a military action that was imminent, that is, about to happen, and if by attacking him the action would not occur. If there is evidence that can responsibly be made public supporting that the criteria were met it should be. If, however, it turns out that these criteria were not met, what took place will be widely viewed as an action of choice and not necessity, one leading to an open-ended conflict between the United States and Iran fought in many places with many tools and few red lines that either will observe.

It may be useful to backtrack for a moment to explain just why "imminence" is significant. Imminence is central to the idea of preemption, which is treated in international law as a legitimate form of self-defense and is thus consistent with the United Nations Charter and widely shared notions of order. It is normally used in the context of attacking a missile about to launch or an airplane loaded with bombs about to take off.

Preventive attacks, however, are something very different than preemptive action. By definition they are mounted against a gathering threat rather than an imminent one. The 2003 Iraq war is best understood as a preventive undertaking. A world of regular preventive actions would be one in which conflict were far more prevalent. I would simply say it is not in our interest to lower the norm against preventive attacks lest they become much more frequent, which would result in a much more disorderly world.

It is even more important to assess the wisdom of the targeted killing. There is no doubt that Suleimani had the blood of Americans on his hands and was a force for instability in the region, and I for one do not know of any critic of this strike who mourns his loss. But just because Suleimani was an evil person and killing him may have been legally justifiable does not make it wise. And here I have several doubts.

First, there were other ways to re-establish deterrence with Iran. The United States could and arguably should have responded to recent Iranian attacks, such as the one it carried out against Saudi Arabian oil installations, with attacks on Iranian economic and military assets. Such responses would have been proportionate and symmetrical and less likely to have led to escalation and conflict. Indeed, the fact that these earlier Iranian actions were not met with an American response might have contributed to thinking on Iran's part that it could act with some degree of impunity. I would also add that the abrupt

abandonment of the Kurds in Syria might have reinforced the view of some Iranians that the United States would be unlikely to respond to further Iranian aggression.

Second, the killing interrupted what were useful political dynamics in both Iran (where anti-regime protests had been increasing in size and frequency) and in Iraq (where anti-Iranian protests had been growing).

Third, U.S.-Iraq ties are severely strained. This could require U.S. troops to depart Iraq, which would create a vacuum Iran would be all too happy to fill. It could also lead to a revival of terrorism in Iraq.

Fourth, we have been forced to send more forces to the region. They are thus not available for deployment elsewhere. Worse, many of these troops will be preoccupied with force protection rather than carrying out a counter-terrorism mission.

Fifth, it is not in our strategic interest to have a new war in the Middle East given the many challenges we face worldwide, from the immediate threats of North Korea and Venezuela to the longer-term challenges posed by China and Russia.

And sixth, Iran has already announced it plans to take steps at odds with the JCPOA, which would shrink the window it needs to build a nuclear weapon if it chooses to do so. This could present the United States and Israel with difficult and potentially costly choices.

I expect some will disagree with part or all of my assessment. But however we got here, we are where we are. I thus want to focus on what we can expect and what we should do moving forward.

The pause in military exchanges between the United States and Iran is just that, a pause. Iran is not standing down. Iran may be careful not to undertake military actions that can be traced back to it and that target Americans, but it can be expected to undertake actions using a wide array of tools (including cyber) that either target American allies or Americans themselves but in a way that cannot easily be traced back to the Iranian government. What has not changed is that Iran is an imperial power, one that seeks to expand its influence in the region and see that of the United States reduced.

President Trump was clear that Iran will never be allowed to have a nuclear weapon. This stance is welcome but insufficient. Iran must also be denied from attaining what I would describe as a near-nuclear capability. If it were to achieve such a capability, there is the danger at some point it would choose to sprint to put together a small nuclear force and present the world with a fait accompli. The fact that it might do this could be enough to persuade several of its neighbors, including Saudi Arabia, Egypt, and Turkey, to do the same.

Such a scenario would be a nightmare. Nuclear weapons can provide stability (as they did during the Cold War) but only if they are embedded in secure second strike capabilities able to ride out an attack, something that allows the attacked country to absorb the initial hit and respond with devastating force so that there is no advantage in going first. And second, nuclear weapons have the potential to enhance

stability only if there are arrangements in place so that there can be no unauthorized use or loss of physical control over them. Among other things this requires political stability. It is highly unlikely these criteria could be met in the Middle East.

The JCPOA was intended to lessen the odds such scenarios would come to pass. The agreement cut the amount of enriched uranium Iran could legally possess, reduced its ability to produce more, and introduced an intrusive set of inspections. The result was that the time Iran would need to build nuclear weapons and achieve a nuclear or near nuclear capability increased to something on the order of one year, a period sufficiently long for Western intelligence agencies to discover what was going on and for governments to respond.

The principal problem with the JCPOA was its duration. The expiration of the limits on centrifuges and enriched uranium meant that Iran could, starting in 2025 or 2030, legally begin to amass many of the elements needed to build a nuclear inventory. As a result, if Iran did decide after say 2030 to make a covert dash for nuclear weapons, intelligence services would receive little warning and governments would have less time to respond.

There were other problems with the JCPOA, above all its lack of constraints on delivery vehicles such as ballistic missiles. These were, however, addressed separately in UN resolutions. I would not describe the fact that the JCPOA did not constrain Iran's regional activities as a flaw of the agreement. Arms control cannot be expected to accomplish everything, and if we insist that it do so, we run the risk it will accomplish nothing. Some things (such as pushing back against what Iran does in Syria or other countries) we and our friends have to do for ourselves. This was a central lesson of the Cold War. Grand bargains seek the perfect at the expense of the possible.

Against this backdrop, I want to end with several recommendations for U.S. policy moving forward.

The United States should work closely with its allies and the other signatories of the JCPOA to put together the outlines of a new agreement – call it JCPOA 2.0 – and present Iran with a new deal. This new initiative would establish longer-term (several decades) or, better yet, open-ended limits on Iran's nuclear and missile programs (coupled with adequate verification) in exchange for significant sanctions relief. Any such agreement should be approved by Congress to remove the concern that the pact could be easily undone by this or some future president, as was the 2015 accord. Any such initiative should emerge from consultation with allies; U.S. policy toward Iran has become increasingly unilateral and is less effective for it.

The proposal should be specific, reasonable, and articulated in public. The goal should be to pressure the government in Tehran to explain to the Iranian people why it rejects a fair proposal that would reduce sanctions and raise the standard of living just so it could pursue its nuclear and missile programs. Recent protests against the government (triggered by the downing of the Ukrainian civil airliner and coming in the wake of earlier calls on the government to spend more at home and less on its foreign policy) create a good context for such a public initiative.

I do not favor going back to the status quo ante, in which the United States rejoins the JCPOA and removes its sanctions against Iran. The sunset provisions are too near, meaning that we would have to negotiate their extension almost immediately. Such a course would also mean forfeiting the leverage associated with existing sanctions. This should not be read as an endorsement of the Trump Administration's decision to exit the 2015 pact when and how it did; rather, it is a judgment that at this point there are different realities and different options.

We must also understand that in the wake of our exiting the JCPOA and introducing severe sanctions, we have brought about a dangerous situation in which Iran is slowly but steadily breaking out of the constraints set by the accord and reducing the time it would need to construct nuclear weapons if it decided to do so. It is essential that Iran understand the limits to what we are prepared to tolerate. This is a message that also needs to be coordinated with our European allies, Iran's Arab neighbors, and Israel.

We should also act immediately to repair our relationship with Iraq. Iraq is among the region's most important countries. It is an essential component of any containment of Iran. It possesses enormous energy reserves. One of the many reasons the 2003 war was ill-advised is that it undermined Iraq's ability to offset Iran. We do not want to open the door to increased Iranian influence. Nor do we want to see a reconstitution of a massive terrorist threat in the form of ISIS or anyone else based within its borders. The threat of sanctions ought to be removed. So, too, should the threat to remain absent Iraqi permission. A troop presence that comes to be seen as an occupation will be forced to spend its time protecting itself and will be unable to partner with local forces against terrorists.

I understand it may be too late to put Humpty Dumpty together again when it comes to U.S.-Iraq relations. We should therefore look for ways to continue strategic cooperation. One idea worth exploring may well be what we used to call in the Defense Department "presence without stationing" in which U.S. forces would regularly visit the country to train and work with Iraqi counterparts. Other training could no doubt take place at a regional facility outside Iraq. Iran's long-term goal has been and remains to reduce our presence and role in the region. We should not help Iran achieve its ambitions.

We should seek a reduction in tensions with Iran. An escalating conflict with Iran does not serve our interests. We were fortunate to avoid one just now, but luck has been known to run out. We look petty when we make it impossible for Iran's chief diplomat to enter the United States, and we should open channels of communication with Iran's representatives to avoid miscalculation. We collaborated in Afghanistan before and could be able to do so again.

We should remember that we continue to have interests in the Middle East. The United States may be energy self-sufficient but it is not energy independent. The region's energy is still essential to the functioning of the global economy, the health of which is central to our own prosperity. We must combat terrorists, frustrate nuclear proliferation, and be there for Israel and our other partners. Protecting these interests requires that we stay involved in the region diplomatically, economically, and militarily.

At the same time, we need to avoid seeking to do too much there. The history of the 21st century will not be written in the Middle East so much as in Asia, Europe, and Africa. We should focus our energies there

and on the challenges posed by North Korea, China, and Russia. We should also devote more resources to promoting our own competitiveness, something again at odds with massive involvement in the Middle East.

We need to accept reality. Regime change in Iran is unlikely. The Islamic Republic is resilient. Even if this assessment one day proves wrong, there is no way of knowing that it will or when it will. As a result, regime change cannot be U.S. strategy. It is beyond our capacity to engineer. Recent events around the region should have taught us too that regime change is not necessarily a panacea even when it happens; what would come after this regime is not necessarily something better. In the meantime, we need a strategy for dealing with the Iran that exists and policies consistent with that strategy. Our objective should be to change Iran's behavior, to negotiate an outcome in the nuclear and missile sphere acceptable to both countries, and through our actions to lead Iran to conclude that it will fail if it continues to try to destabilize the region. This is all possible if we make it our policy and our priority.

Thank you for this opportunity. I look forward to your reactions, comments, and questions.

Chairman ENGEL. Thank you very much, Mr. Haass.

Ms. Haines.

STATEMENT OF AVRIL HAINES, SENIOR RESEARCH SCHOLAR, COLUMBIA UNIVERSITY

Ms. HAINES. Thank you, Chairman Engel. And Ranking Member McCaul, happy birthday. And distinguished members of the committee, thanks for inviting me and I am honored——

Chairman ENGEL. Can you move the mic closer?

Ms. HAINES. Absolutely. Is that better?

Chairman ENGEL. Yes.

Ms. HAINES. Thank you.

So, I am honored to be here today to discuss U.S. policy regarding Iran and whether it is likely to serve our longer-term objectives in the region. During my time in government, our goals were to prevent Iran from obtaining a nuclear weapon and to diminish and counter Iran's threatening and destabilizing behavior from its growing ballistic missile arsenal to its dangerous use of regional proxies, to its human rights abuses at home, all while avoiding a war. And these are still the right goals, in my view, and, in fact, they are not dissimilar to those articulated by the current administration. I am concerned, however, that the approach being taken right now, including, in particular, the targeted killing of Qasem Soleimani in Iraq, is not one that well serves these goals.

A fundamental pillar of U.S.-Iran policy was the JCPOA, which was at the center of our efforts precisely because we realized that a nuclear-armed Iran would make the broader challenges harder to address. While not perfect, the JCPOA cutoff Iran's pathways to acquiring a bomb and significantly constrained Iran's nuclear program. The JCPOA was never intended to stand alone, but, rather, was seen as part of a wider regional strategy that sought to reduce Iran's destabilizing influence in the region, strengthen those voices in Iran who were pushing back against the Iranian government's threatening policies, and engage Iran diplomatically to avoid inadvertent escalation, while also putting pressure on the Iranian regime to change Iran's unacceptable behavior at home and abroad.

Walking away from the JCPOA and imposing new sanctions on Iran drove a wedge between the United States and our long-term allies in Europe. And while the pressure of those sanctions has been formidable, the result has been that Iran conducted increasingly provocative actions in the Gulf and restarted significant aspects of their suspended nuclear program.

And American allies and partners, rather than helping us address Iranian behavior, are instead concerned with what they perceive to be unpredictable and escalatory behavior on the part of both countries and have focused their efforts on trying to de-escalate the situation. And meanwhile, the withdrawal from the JCPOA strengthened hardline voices in Tehran, and we are now without real hope for another deal that would further restrict Iran's nuclear program, let alone any other destabilizing activities, such as their ballistic missile program.

And this was predictable. Economic pressure on Iran can, as it did in the leadup to the JCPOA, affect the domestic political calculus associated with making a deal. But no Iranian analyst will

tell you that economic sanctions are likely to have a meaningful impact on the regime's capacity to engage in destabilizing actions in the region. This is because the availability of resources for foreign proxies, a relatively small budget line item, has never been a serious constraint on Iran's regional interference.

Moreover, to avoid disrupting the deal, the JCPOA was acting as a relative constraint on particularly aggressive behavior by the Iranian regime against the United States. Instead, Iran responded to this maximum pressure campaign with a series of steps intended to put pressure on the United States, including targeting American facilities and assets directly and through proxies.

But, instead of carefully managing the escalation by responding with measured, necessary proportionate actions intended to effectively push back on such aggressive behavior by Iran, to de-escalate and deter further attacks, the President seemingly stepped back and, then, decided to respond by engaging in a targeted killing of Iran's most powerful commander without the consent of our partners, the Iraqis, nor seemingly with any consultation of our NATO or coalition partners in Iraq.

As many have noted, Soleimani was an enemy of the United States who backed various operations against the United States and is responsible for the killing of Americans. But the question is not whether Soleimani deserved his fate. The question is whether this was a wise action that served U.S. national interests and, ultimately, made us safer.

The administration has argued that the action was taken in self-defense to disrupt imminent attacks and was necessary to save lives. The comments of the Secretary of Defense this Sunday appear to contradict that assertion and, instead, the action appears to have been taken largely to send a message to the Iranians and to potentially disrupt further unspecified attacks.

Yet, if that was the case, not only will our allies and partners view it as a violation of international law, but it is virtually impossible to understand why it was impractical for the President and his senior leadership to consult with Congress, our allies, and Iraq before targeting Soleimani in a military action that would be predictably perceived by Iran as an effective declaration of war by the United States.

Directly following the strike, we sent thousands of additional troops to the region to defend our people and our assets, in light of an expected and ongoing Iranian response to the killing of Soleimani, thereby putting more Americans in harm's way. We have brought the fight against ISIL to a virtual standstill, with NATO suspending its training mission on the ground in Iraq and possible ejection of our troops from the country. We have strengthened the Iranian-backed elements of the Iraqi government, weakened those who have supported the United States, and we have lost standing in the region. And Iran announced that it will move further away from the deal by restarting additional elements of its nuclear program, and the United States is more isolated than ever.

Given where we are today, we desperately need to invest in diplomatic efforts, ideally, with our allies to reduce existing tensions and identify a plausible path forward toward negotiations while promoting a more stable order that better serves security, human

rights, and civic engagement, so as to provide hope of a way forward that does not inexorably lead, as we are now positioned, to a scenario in which the administration finds itself facing the choice the JCPOA was intended to avoid. That is, the choice of either letting Iran obtain a nuclear weapon or bombing Iran, and thus, launching what could easily become a full-scale regional war that the United States finds itself dragged into, having forgotten the lessons of our past.

And let me just end by thanking all of you for your work on these issues and your efforts to advance the interest of Americans who rely on the government for their security and prosperity. I look forward to answering any questions you may have to the best of my ability.

[The prepared statement of Ms. Haines follows:]

OPENING STATEMENT
AVRIL HAINES
COLUMBIA UNIVERSITY
THE UNITED STATES HOUSE COMMITTEE ON FOREIGN AFFAIRS

FROM SANCTIONS TO THE SOLEIMANI STRIKE TO ESCALATION: EVALUATING THE ADMINISTRATION'S IRAN POLICY

JANUARY 14, 2020

Chairman Engel, Ranking Member McCaul, and Distinguished Members of the Committee, thank you for inviting me. I am honored to be here today.

We are at a dangerous point with Iran and consequently, it is a propitious moment at which to step back and evaluate U.S. policy regarding Iran and whether it is likely to serve our longer-term objectives in the region. During my time in government, our goals were to prevent Iran from obtaining a nuclear weapon and to diminish and counter Iran's threatening and destabilizing behavior, from its growing ballistic missile arsenal, to its dangerous use of regional proxies, to its human rights abuses at home – all while avoiding a war with Iran. These are still the right goals in my view and in fact, they are not dissimilar to those articulated by the current Administration, but our approach seems designed to undermine these objectives rather than further them. If we are to correct the course we are on, it is useful to understand how we arrived at this juncture.

A fundamental pillar of U.S. Iran policy was the Joint Comprehensive Plan of Action or JCPOA, which was at the center of our efforts precisely because we realized that a nuclear-armed Iran would make the broader challenges all the more threatening and all the more difficult, if not impossible, to address. While not perfect, the JCPOA cut off Iran's pathways to acquiring a bomb, significantly constrained Iran's nuclear program, and subjected Iran to an unprecedented and strict monitoring and verification regime, thereby halting and even reversing Iran's progress toward a nuclear weapon for at least the next decade, while the prohibition on Iran obtaining a nuclear weapon was permanent. The JCPOA was never intended, however, to stand alone but rather was seen as part of a wider regional strategy that sought to reduce Iran's destabilizing influence in the region, strengthen those voices in Iran who were pushing back against the Iranian government's threatening policies, and engage Iran diplomatically to avoid inadvertent escalation while also putting pressure on the Iranian regime, including through the use of other non-military pressure tactics such as sanctions, to change Iran's unacceptable behavior at home and abroad.

When President Trump announced in May of 2018 his plans to withdraw from the JCPOA and re-impose economic sanctions, he indicated that he was doing so to compel better Iranian behavior across the Middle East and to force Iran back to the table to accept an improved deal, which would deter the regime's destabilizing activities in the region, include restrictions on Tehran's ballistic missiles program, and give inspectors unlimited access without process. Of

course, none of this has come about and instead the situation has deteriorated considerably. Walking away from the JCPOA and imposing new U.S. sanctions on Iran drove a wedge between the United States and our long-term allies in Europe, and while the pressure of those sanctions has been formidable with inflation at 50 percent and a decline from 2.5 million barrels per day of oil exports to as little as a couple hundred thousand this past summer, the result has been that Iran conducted increasingly provocative actions in the gulf and restarted significant aspects of their suspended nuclear program in ways that are inconsistent with the deal. American allies and partners, rather than being organized into a coalition to help address Iranian behavior during this period, are instead concerned with what they perceive to be unpredictable and escalatory behavior on the part of both countries and have focused their efforts on trying to deescalate the situation. Meanwhile, the withdrawal from the JCPOA strengthened the hardline voices in Tehran within their factional political system, as it was seen as a validation of their skepticism regarding the deal and diplomacy with the West more generally. We are now as far away from the negotiating table as one could imagine with no real hope for another deal that would further restrict Iran's nuclear program, let alone any other destabilizing activities, such as their ballistic missile program.

This was predictable and predicted. Economic pressure on Iran can, as it did in the lead up to the JCPOA, affect the domestic political calculus associated with making a deal with the United States and the Europeans to restrain their nuclear program in exchange for sanctions relief, but no Iranian analyst will tell you that economic sanctions are likely to have a meaningful impact on the Regime's capacity to engage in destabilizing actions in the region. That is because the availability of resources for foreign proxies – a relatively small budget line item -- has never been a serious constraint on Iran's regional interference. Moreover, to avoid disrupting the deal, the JCPOA was acting as a relative constraint on particularly aggressive behavior by the Iranian regime against the United States. One has only to note, as others have, that we did not see the kinds of Iran-backed militia attacks against U.S. personnel that we have seen over the last many months while the deal was in effect, to see the truth of this. Instead, Iran responded to this "maximum pressure" campaign with a series of steps intended to put pressure on the United States, including targeting American facilities and assets directly and through proxies, targeting shipping in the Persian Gulf and the Strait of Hormuz, shooting down an American drone, attacking Saudi Oil facilities, the violence in front of our Embassy in Baghdad, and, of course, the recent tragic killing of an American contractor by Iran-backed militias in Kirkuk.

Instead of carefully managing the escalation by responding with measured, necessary and proportionate actions intended to effectively push back on such aggressive behavior by Iran, to deescalate and deter further attacks, the Administration seemingly stepped back in a way that may have even encouraged the Iranians to continue until the President finally decided to respond by engaging in a targeted killing of Iran's most powerful commander, without the consent of our partners, the Iraqis, where the strike took place – nor seemingly with any consultation of our NATO or coalition partners in Iraq despite the impact it would have on their operations.

As many have noted, Soleimani was an enemy of the United States who backed various operations against the United States and is responsible for the killing of Americans but the question is not whether Soleimani deserved his fate. The question is whether this was a wise action that served U.S. national interests and ultimately made us safer. The Administration, of

course, has argued that the action was taken in self-defense to disrupt imminent attacks and was necessary to save lives. The comments of the Secretary of Defense this past Sunday appear to contradict that assertion, particularly insofar as the expectation was that targeting Soleimani was the only option for disrupting an imminent attack against U.S. persons within a certain window of opportunity. Instead, the action appears to have been taken largely to send a message to the Iranians and to potentially disrupt further, unspecified attacks. Yet, if that was the case, it surely was done without an apparent understanding of the consequences. Additionally, without an imminent attack at stake for which this action was judged to be the only reasonable way of preventing, not only will our allies and partners view it as a violation of international law but it is virtually impossible to understand why it was impractical for the President and his senior leadership to consult with the Congress, our allies, and Iraq before targeting Soleimani, in a military action that quite predictably would be perceived by Iran as an armed attack and an effective declaration of war by the United States. All of you will be better positioned to know whether the classified information tells a different story, but either way, one cannot ignore the implications of this particular action, which are significant from a broader national security and foreign policy perspective.

Directly following the strike, we sent thousands of additional U.S. troops to the region to defend our people and our assets in light of an expected, and I would emphasize ongoing, Iranian response to the killing of Soleimani, thereby putting more Americans in harms way. We have brought the fight against ISIL, a national security imperative, to a virtual standstill, with NATO suspending its training mission on the ground in Iraq, with the ISIL Coalition noting that it is now "fully committed to protecting the Iraqi bases that host Coalition troops" rather than fighting ISIL, and with the Iraqi parliament passing a resolution that calls for the ejection of all U.S. troops from Iraq. We have strengthened the Iranian-backed elements of the Iraqi government, weakened those who have supported the United States, and we have lost standing in the region. Iran announced that it will move farther away from the deal by restarting additional elements of its nuclear program and the United States is more isolated than ever, with the deal that President Trump indicated he wants, farther from our reach than ever before.

Furthermore, despite the optimism in President Trump's statement following Iran's attack on two Iraqi military bases that house U.S. troops that Iran appears to be "standing down," the statements made by the Supreme Leader and the Islamic Revolutionary Guard Corps make clear that is not the case, as they are focused on pushing U.S troops and influence out of the region and without an available diplomatic path, they have no incentive to pull back from exercising their own form of pressure on the United States. We should be prepared for cyberattacks, more attacks on energy infrastructure, terrorist attacks and even potential attempts to assassinate U.S. officials. Moreover, the suggestion that we are energy independent and that as a consequence, Iranian impact on the world's oil supply will have no impact on the United States is simply wrong. As the Center on Global Energy Policy at Columbia University's School of International and Public Affairs has indicated, although the United States is close to becoming a net oil exporter, we are not immune to shocks in supply. The Middle East remains critical to oil markets and disruptions there can still cause pain for consumers in the United States.

I wish we were not where we are today vis-à-vis Iran but we need to deal with the reality of the current situation and try to construct a policy that is in the best interest of the United States. I do

not, unfortunately, think we are likely to achieve the long-term objectives we once had and thus, it may be sensible for us to reexamine the situation and take stock of our core interests and reframe our ambition. The Middle East is important, but we face more consequential geopolitical challenges in other places, perhaps most obviously in Asia, and as such we need to manage our investment of resources in this region in a way that reflects the opportunity costs that our investments will bear. Additionally, we need to engage with our allies and partners outside of the region, as well as partners in the region, in order to promote a more stable order that better promotes security, human rights, and civic engagement, despite the slow progress this is likely to see over the coming years. We desperately need to invest in diplomatic efforts, ideally with our allies, to reduce existing tensions and identify a plausible path forward toward negotiations, so as to provide hope of a way forward that does not inexorably lead, as we are now positioned, to a scenario in which the Administration finds itself facing the choice the JCPOA was designed to avoid – that is, the choice of either letting Iran obtain a nuclear weapon or bombing Iran and thus launching what could easily become a full-scale regional war that the United States finds itself dragged into, having forgotten the lessons of our past.

Let me just end by thanking you again for your work on these issues and your efforts to advance the interests of Americans who rely on the government for their security and prosperity. I look forward to answering any questions you may have, to the best of my ability.

Chairman ENGEL. Thank you very much, Ms. Haines.

Mr. Hadley.

Can you pull your microphone closer, please? Thank you.

STATEMENT OF STEPHEN J. HADLEY, FORMER NATIONAL SECURITY ADVISOR

Mr. HADLEY. I have lost my testimony skills, I have noted.

[Laughter.]

Thank you for the opportunity to appear before you today. To provide context for today's hearing, I would like, if I may, to describe briefly what appears to me to have been the underlying dynamic that led to the recent confrontation between the United States and Iran in Iraq.

In the fall of last year, Iraqi citizens across the country demonstrated in massive numbers. They protested what they saw as the corruption, sectarianism, and ineffectiveness of their government. They protested the overweaning influence that Iran exercises in Iraq, both directly and through Iranian-backed militias. At least two Iranian consulates in Iraq were attacked and burned. Demonstrations, even in the Shia south, called for Iran to leave Iraq, chanting "Out, out, Iran".

Beginning last October, Kataib Hezbollah, an Iranian-backed militia, began an escalating series of attacks on Iraqi military bases hosting U.S. forces. I believe Kataib Hezbollah would not have acted without the approval of Iranian authorities in general and Qasem Soleimani in particular. And I believe this military campaign was a cynical effort to change the conversation within Iraq and to shift its attention from the issue of Iranian influence to the issue of the U.S. force presence, and, ultimately, to get U.S. forces thrown out of Iraq. The campaign escalated until a U.S. contractor was killed, at least four U.S. service personnel were wounded, and the U.S. embassy in Baghdad was attacked and partially burned.

Some commenters will say that striking Qasem Soleimani, in doing so, the United States fell into Kataib Hezbollah's trap. But what was the alternative? The United States could not just stand by while its military and diplomatic personnel were attacked and killed. The U.S. administration clearly believed that striking Soleimani was so unexpected and so significant, both militarily and politically, that it would cause Iran to abandon its campaign against U.S. troops and diplomats in Iraq. We should all hope that it has that effect.

The problem was that the strike occurred in Iraq. The fear of becoming the central battleground in a military confrontation between the United States and Iran is being used to justify calls for the expulsion of U.S. forces from Iraq. But a U.S. withdrawal would only reward Kataib Hezbollah's campaign of violence, strengthen the Iranian-backed militias, weaken the Iraqi government, undermine Iraqi sovereignty, and jeopardize the fight against ISIS—a terrible outcome for both the United States and Iraq.

To keep U.S. forces in Iraq, Iraqi authorities will have to manage the domestic political fallout from the strike on Soleimani. The U.S. administration and the Congress can help by making statements reaffirming that America respects the sovereignty and independ-

ence of Iraq, that U.S. forces are in Iraq to train Iraqi security forces, and help them protect the Iraqi people from a resurgent ISIS; that the United States will coordinate with the Iraqi government on matters involving the U.S. troop presence; that so long as U.S. troops and diplomats in Iraq are not threatened, America's confrontation with Iran will not be played out on Iraqi territory, and the United States supports the aspirations of the Iraqi people for a government that can meet their needs and expectations and is free of corruption, sectarianism, and outside influence.

After Iran's recent missile attacks in retaliation for the strike on Soleimani, both Iran and the United States appear to have stood down militarily. Despite some tough and uncompromising statements, both sides have said they want to avoid war and have left the door open for negotiations. Neither Iran nor the United States appears positioned or inclined to mount a diplomatic initiative. So, that role must be played by third parties. The European countries that participated in the JCPOA nuclear deal, America's regional allies, and even Russian President Vladimir Putin are all potential candidates.

Iran's current policy is going nowhere. New economic sanctions imposed by the U.S. administration could reignite the massive public demonstrations that Iran put down last fall only with brutal force. Iran's leaders in the past have been pragmatic when their hold on power was threatened. However grudgingly, they may decide that negotiations are the least bad option.

For its part, the U.S. administration still says that its goal is to begin negotiations to address Iran's nuclear, ballistic missile, and regional activities. Now may be the time to give diplomacy a chance.

Thank you.

[The prepared statement of Mr. Hadley follows:]

U.S. House of Representatives
Committee on Foreign Affairs

Testimony of Stephen J. Hadley
January 14, 2020

Chairman Engel, Ranking Member McCaul, Members of the Committee. Thank you for the opportunity to appear before you today.

To provide context for today's hearing, I would like, if I may, to describe briefly what appears to me to have been the underlying dynamic that led to the recent confrontation between the United States and Iran in Iraq.

In the fall of last year, Iraqi citizens across their country demonstrated in massive numbers. They protested what they saw as the corruption, sectarianism, and ineffectiveness of their government. They protested the over-weaning influence that Iran exercises in Iraq, both directly and through Iranian-backed militias. At least two Iranian consulates in Iraq were attacked and burned. Demonstrators even in the Shia south called for Iran to leave Iraq, chanting "Out, out Iran!".

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Some commentators will say that by striking Qasem Soleimani, the United States fell into Kataib Hezbollah's trap. But what was the alternative? The United States could not just stand by while its military and diplomatic personnel were attacked and killed. The U.S. administration clearly believed that striking Soleimani was so unexpected and so significant both militarily and politically that it would cause Iran to abandon its military campaign against U.S. troops and diplomats in Iraq. We should all hope that it has that effect.

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is being used to justify calls for the expulsion of U.S. forces from Iraq. But a U.S. withdrawal would only reward Kataib Hezbollah's campaign of violence, strengthen the Iranian-backed militias, weaken the Iraqi government, undermine Iraqi sovereignty, and jeopardize the fight against ISIS -- a terrible outcome for both the United States and Iraq.

To keep U.S. forces in Iraq, Iraqi authorities will have to manage the domestic political fallout from the strike on Soleimani. The U.S administration and the Congress can help by making public statements reaffirming: (1) that America respects the sovereignty and independence of Iraq; (2) that U.S. forces are in Iraq to train Iraqi security forces and to help them protect the Iraqi people from a resurgent ISIS; (3) that the United States will coordinate with the Iraqi government on matters involving the U.S. troop presence; (4) that so long as U.S. troops and diplomats in Iraq are not threatened, America's confrontation with Iran will not be played out on Iraqi territory; and (5) that the United States supports the aspirations of the Iraqi people for a government that can meet their needs and expectations and is free of corruption, sectarianism, and outside influence.

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some tough, uncompromising statements, both sides have said they want to avoid war and have left the door open for negotiations. Neither Iran nor the United States appears positioned or inclined to mount a diplomatic initiative, so that role must be played by third parties. The European countries that participated in the JCPOA nuclear deal (especially France), America's regional allies (particularly the UAE), and Russian President Vladimir Putin are all potential candidates.

Iran's current policy is going nowhere. New economic sanctions imposed by the U.S. administration could reignite the massive public demonstrations that Iran put down last fall only with brutal force. Iran's leaders in the past have been pragmatic when their hold on power was threatened. However grudgingly, they may decide that negotiations are the least bad option. For its part, the U.S. administration still says that its goal is to begin negotiations to address Iran's nuclear, ballistic missile, and regional activities. Now may be the time to give diplomacy a chance.

Chairman ENGEL. Thank you very much, Mr. Hadley.

This committee has received a lot of conflicting information about the killing of General Soleimani, but we have not received any evidence showing that this strike, or any other strike, was necessary to prevent an imminent attack, never mind an attack on four U.S. embassies, as the President is now claiming. To make matters worse, Secretary of Defense Esper says he does not have any evidence of threats against our embassies, either.

So, Ms. Haines, let me ask you, as someone with significant experience on security matters like this, does it make sense to you that a military air strike would be planned and carried out if the Secretary of Defense was unclear about why it was needed? Does it make any sense to you that, if this strike was, indeed, necessary to save four embassies from attack, the administration officials would have left this out of their official justifications? And we should not have heard about a variety of demonstrable steps at those embassies to prepare for an attack? So, what do you make of these claims by the President, Ms. Haines?

Ms. HAINES. Thank you, Chairman.

I do think the number of conflicting comments being made by senior administration officials about whether or not there was, in fact, any threat and the degree of the threat that was being faced are really concerning. And I think all of you, obviously, have access to classified information that I do not have access to, and I cannot tell you whether or not there is some story there that provides a basis for the action that was taken. But what is in the public realm does not add up to imminence, as I have understood it and as I have applied it both as a lawyer and a policymaker within government.

And I think it is particularly important when you take an action like this to be as transparent and, frankly, to have as consistent of a message coming out of the government about why it is that we felt that was absolutely necessary to take this action. And that's true not just from a legal matter, but really from a policy perspective, which is to say that our allies and partners are watching us and trying to understand why it is that we took this action, why we thought it was absolutely necessary.

And so, as has been noted I think repeatedly by all of us, so has Iraq, wondering why that is. And we would not have had the legal basis for taking an action against Soleimani in Iraq without their consent without it being an imminent threat. And they want to know what that imminent threat is, and nothing that has been said really backs that up.

Thank you, sir.

Chairman ENGEL. Thank you.

As I mentioned before, I will not mourn the loss of Qasem Soleimani. He was a bad guy. He had the blood of our military and thousands of Syrian civilians on his hands. He fueled the Yemeni Civil War, and he imprisoned the people of Lebanon through Iran's support of Hezbollah.

What concerned me about the escalation against Iran was how it seemed to overlooked unintended, but predictable consequences. Dr. Haass, you outlined several consequences in your testimony from Iran's withdrawal from its constraints under the nuclear deal

to a possible premature U.S. troop departure from Iraq. So, let me ask you this: what should the Trump Administration do to de-escalate regional tensions, and what could the administration do to help ease the tensions with Iran and move toward diplomacy?

Dr. HAASS. Thank you, sir.

I think actually there is something of an opportunity now for diplomacy. Steve Hadley ended his Statement saying this was the time. I think the sanctions have had much more of an effect than people predicted. I have done several books on sanctions, and I underestimated, quite honestly, what unilateral sanctions in this regard could accomplish. I think, also, the Ukrainian air tragedy has built on already discontent within Iran, the sense that the government there is putting too much into guns and not enough into butter.

Up until now, we have not really given the Iranians a diplomatic option. Secretary Pompeo's May 18th, 2018 speech, to me, had all the features of an ambitious grand bargain. I took it as a non-starter. To me, it was tantamount to regime change or capitulation.

What I think we ought to do—it could have been done, conceivably, if we had stayed in with the JCPOA, which would have been to try to get an extension of the so-called sunset provisions, but that is over for now. So, I think we ought to go public, as I said, with a modified agreement. And we can decide whether the constraints on nuclear activity, centrifuges and enriched uranium, are open-ended or for three decades, four decades, what have you. We can decide whether to bring missiles into it, which I would do. And I think we ought to talk about the degree of explicit sanctions relief that would accrue to Iran if they would sign up for that kind of an agreement.

And I think we would find the allies would support us. Indeed, today's newspapers have stories about the allies being concerned about Iran's breakout from the JCPOA. So, I think we would have significant multilateral backing there, and I think even the Russians and the Chinese would be attracted to something that would be diplomatic and change the momentum.

So, I think the time is right to put forward an initiative. And again, I think there is an interesting episode in Iranian history which is the late eighties. And the then-Supreme Leader accepted an outcome to the Iran-Iraq War that he said he would never accept. And he said, "This is like poison to me." But the Supreme Leader accepted it because he thought it was essential at the time to save the 1979 revolution.

And it is just possible that we are approaching a moment in Iranian history where these sanctions are having sufficient impact, where there might be a greater willingness on the part of the Iranian authorities to compromise, particularly with the pressure from below in the street. I could be wrong; I do not know, but I would test it.

And I think we ought to put forward a diplomatic initiative and I think that will be clarifying. We will learn a lot about this Iranian government and the current context, about where there is the possibility of a deal. If not, then we can deal with the consequences about how we deal with their nuclear, missile, and regional pro-

grams. But let's put out there a diplomatic initiative that might be accepted. If not, it will at least be clarifying.

Chairman ENGEL. Thank you very much.

Mr. McCaul.

Mr. MCCAUL. Thank you, Mr. Chairman.

You know, really since the maximum pressure campaign was launched, we have seen a more and more provocative Iran. And since last October, Mr. Hadley talked about mounting strikes, one against a U.S. drone. I remember being in the White House debating what the response should be. Many in the room believed that there should be a response, that, that is all the Iranians would understand, that the surface air missile site should be hit. And yet, the President did not do that. He stepped back. He showed great restraint and decided not to respond. And he got some criticism for doing that.

Then, as months went on, strikes continued to mount, culminating in an attack on our embassy and the killing of an American and four soldiers. And at some point, I believe a response is necessary when our embassy is attacked. And then, the final tipping point, I believe, for the President to have to make this decision—and I agree, Mr. Chairman, it could be a little clearer and I think we could declassify more of this to put it out in the open with the American people, not jeopardizing assets on the ground.

But Soleimani is traveling to Damascus and Lebanon and he is ending up in Baghdad meeting with his No. 2 guy. Remember, the red line is an American being killed, says the President. So, Soleimani, he is seeing this. He is meeting in Baghdad and, then, he is going to fly to Tehran and meet with the Ayatollah, in my judgment, to get the green light to start the operation. Some say days; some say weeks.

Regardless of the timing, if the President had done nothing and this whole scenario had played out where hundreds of Americans and diplomats are killed in our embassy and at our bases, and possibly another 1979 where diplomats are taken hostage, then what?

So, Mr. Hadley, can you answer the question of the significance of the strike on Soleimani and whether that provides any deterrence to the Iranians?

Mr. HADLEY. I think that is the administration's hope. I think the runup is very much as you described it. I do not know what "imminent" means in any context, but it seems to me we were in the middle of a pattern of escalating attack on American personnel, diplomatic and military. And it sounds imminent enough to me to justify a strike.

I think the purpose of the strike was, as you described, to try to deter the Iranians from continuing up this escalatory ladder that was going to put more men and women, American men and women and Iraqis, at risk. That is what they tried to do. I think the statements that Secretary Pompeo, then, made thereafter, that if there was escalation by the Iranians, even targets in Iran were not off the table, was again an effort to try to reestablish deterrence, prevent this from escalating to war, and open the door for a negotiating track, which the administration has said for some time they are open to.

And that is, I think, one of the things that joins all three witnesses here, is that is what we hope is the next step here. We think there is an opportunity and we ought to try to take advantage of it.

Mr. MCCAUL. And thank you. That was my next question. I do think all three of you agree with the pivot, if you will. We saw a response from Iran. It was a face-saving measure in my judgment, no casualties, thank God. And then, everybody took a step back and it de-escalated. That is the good news. I do see this as a window of opportunity now to exercise diplomacy, and you talked about NATO as well.

Maybe for the three of you, very shortly with my time, what would this diplomacy look like moving forward?

Ms. HAINES. I think primarily it is actually putting forward what it is that the administration would be interested in reaching a deal on. I think that is a critical aspect of the next step of diplomacy. Because right now I think what has been described is really a non-starter—I suspect none of us would disagree on that point—with the Iranians.

And I think one of the challenges that the administration will face at this point is actually getting the Iranians to the point of being willing to engage in discussions, in light of what they have put on the table as such a non-starter. So, I think there has got to be a process that you need to start to pull them in, essentially, in order to do this.

Thank you.

Can I also respond to your earlier point? I mean, I do not think that anybody thinks that we should not have responded at all to Iran. I think the real concern is the way that this response was done. In other words, in some respects the stepping back encouraged them to do more instead of having a response that was done early on. And then, when there was a response, it was so escalatory that I think it created a situation that makes it more challenging to go down this road now than it was before.

Mr. MCCAUL. Well, I think the chairman and I do agree the world is safer without this man. He was a mastermind of terror. He killed a lot of Americans, wounded soldiers like Mr. Mast in front of me who does not have his legs anymore. And so, I do not have a lot of sympathy for the man.

With that, I yield back.

Chairman ENGEL. Thank you.

Mr. Sherman.

Mr. SHERMAN. Mr. Pompeo's absence today is the loudest testimony. It speaks volumes. It shows that the Secretary of State cannot defend the decisionmaking process that led us to this point, cannot defend the process in which, apparently, the President did not hear from experts on what effect this would have on politics in Iraq.

Apparently, the President did not focus, as Dr. Haass pointed out, on the importance of the Iranian street and the willingness of the Iranian people to endure these sanctions rather than to demand that their government change or that they change their government. Apparently, the President heard from no experts on the politics of Europe or the economics or politics of Iran or Iraq. And

apparently, the President did not hear from any experts in Shiite Islam about what the effect would be of creating a martyr in front of a people whose religion's foundational event was the martyrdom of Imam Hussein 1300 years ago.

The Secretary of State cannot defend the process in which Lindsay Graham is given advanced notice on a golf course, but the group of eight congressional leaders, a group that has never leaked, is not given advanced notice. He cannot defend a process where a disdainful tweet is treated by the President as official notice that he may take future military action. He cannot defend a process in which Congress is not told in classified briefing that four embassies were targeted, but he is free to tell a rally in Toledo. The only defense there might be he might have been lying in Toledo. So, the Secretary's failure to come here speaks quite loudly about a Presidential decisionmaking process that was shallow, simplistic, and disdainful.

The effect of this attack was to undermine our support in Iraq and it was to strengthen the regime in Iran and allow it to continue its policies, notwithstanding our sanctions. But, then, an intervening and unpredicted event occurred. We helped the regime by creating one martyr. The regime just created 176 martyrs.

Ukraine Air 752 was shot down. And now, the regime has arrested a few people. We do not know whom, or at least I do not know whom. They will try to focus on some enlisted man who pushed a button with only 10 seconds to make a decision. What they will try not to focus on is the ministerial-level decision not to ground or even alter civilian air traffic, knowing that they had put their air defense system on hair-trigger alert. And what they know they will not focus on is the decision by the top regime officials to lie to the Iranian people when they knew the truth.

I will ask any witness, but particularly Mr. Hadley, and I know we were talking about this earlier. A more authoritarian regime might have lied to its people longer. But I think it is clear to the world that the plan they had was to lie and, then, there was just too much evidence in the hands of Ukrainians and others. Could the decision to lie to the Iranian people, and keep lying and keep lying as more and more evidence got to the top leadership, could that have been made by anyone other than at the highest levels of the Iranian government?

Mr. HADLEY. I do not think we know how this sorted out. Clearly, the IRGC, which is a very powerful force in the Iranian administration, in the Iranian government, was going to take the fall for this because it was their forces that essentially shot down the airplane. Unfortunately, it is a very natural human reaction to sort of lie and deny when you have been caught in a bad action, and I think that was their reaction.

I think it is going to be very interesting to watch——

Mr. SHERMAN. But would'nt the Supreme Leader have known within 24 hours of the downing of the plane that, in fact, Iranian forces had brought it down?

Mr. HADLEY. I do not know. I cannot answer that question.

Mr. SHERMAN. And does anyone here know who the Iranians have arrested so far, at what level or rank?

I believe my time has expired.

Chairman ENGEL. Thank you, Mr. Sherman.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, according to ABC News, General Mark Milley, Chairman of Joint Chiefs, said, and I quote, "The December 27th attack on the Iraqi base near Kirkuk that killed a U.S. civilian contractor and wounded several U.S. and Iraqi forces was designed and intended to kill and Soleimani approved it. I know that 100 percent," he said. He also said, as my colleague, the ranking member, said a moment ago, that not to have acted would have been "culpably negligent". Former Obama Homeland Security Secretary Jeh Johnson said that Soleimani was a "lawful military objective". And, Mr. Hadley, today you said the U.S. could not just stand by while its military and diplomatic personnel were attacked and killed.

Mr. Chairman, Soleimani—and let's not forget this—is directly responsible for killing over 600 Americans and disabling thousands more. He is directly responsible for massive death and injury of innocent civilians in the region. He was a mass murderer. In the last 2 months alone, he orchestrated 11 attacks on U.S. troops in Iraq, killing an American contractor, as we know.

Mr. Chairman, and Mr. Haass, one of your colleagues said that, according to the Council on Foreign Relations, no President—we are talking about President Obama—used drone strikes more than President Obama, who ordered 542 drone strikes, killing an estimated 3,797 people, including 324 civilians. Yes, they were not as high a target. They were not a mass murderer of the caliber and of the degrading influence that Soleimani had had, both in the region and in his own country. The 1500 people that were killed protesting, demanding democracy, demanding a change, they showed them no mercy. He showed them no mercy.

Let me just ask a question, if I could, with regards to the money that was gleaned by Iran as a result of the Iranian, American, and European nuclear arms deal. I had asked Secretary Lew back in July 2015 how much are we really talking about. The BBC recently said it was $100 billion, with a "B". The New York Times suggested $100 billion. He said it was $115 billion, theoretically, but probably closer to $58 to $59 billion. I do not know what it is. We do not have a clear sense of that, but that is a lot of money, if that is how much it was.

But my question is, how much money did Iran actually get? How much of that was deployed to fund terrorism, including the procurement of weapons, to pay the IRGC troops, the Quds Force, which has massively expanded their operations? Did Soleimani and other terrorists personally benefit? When all of that money was sent in crates on pallets, $1.7 billion, smaller bills, who got that money? Where did it go? I have asked that question. Many of my colleagues, both sides of the aisle, have asked that question. Did it fund terrorism?

When he answered the question again—this is Secretary Lew—he said, and I quote, "We can't say there won't be any more money going to malign purposes." Secretary Kerry has said similar things. How much? I mean, to give such massive amounts of money to

mass murderers, terrorists, is unconscionable in my view. So, how much? Can anybody speak to that with any kind of clarity?

Ms. HAINES. So, this idea that billions of dollars that came out of the deal were then used to launch ballistic missiles or to fund IRGC, et cetera, it is just it is patently untrue.

Mr. SMITH. So, none of that money has been used for that?

Ms. HAINES. No. Let me finish my answer and I will give you the same.

In return for a permanent and verifiable halt to Iran's nuclear program, the United States along with our P5-plus–1 partners provided relief of nuclear-related sanctions to Iran. But even senior Trump Administration officials have conceded that the vast majority of Iran's unfrozen funds—so, funds that were theirs that we had frozen that, then, they were able to access—went to domestic requirements, right, including debt servicing.

And what is more, even at the height of international sanctions, Tehran amply funded the IRGC and its proxies. So, it is certainly not the case that Iran needed unfrozen funds in order to sustain their activities. Far from it, the IRGC has a relatively small budget, and making its activities sustainable through sanctions, the IRGC built Hezbollah, in fact, during Iran's last war.

Mr. SMITH. OK. Let me ask you this: how much of the money was diverted to the procurement of weapons from Russia, for example, surface-to-air missiles? Do we know?

Ms. HAINES. I do not know.

Mr. SMITH. You do not know? Okay. Does anybody on the panel know?

Ms. HAINES. But the point is that they could conduct these activities without that——

Mr. SMITH. More money means you can do more of it.

Dr. HAASS. Can I just say two things? One is, obviously, money is fungible. So, if you get money, it can be used for whatever purpose you want. I think it is important to say that a lot of the funds you are talking about, all of them were Iranian.

I would like to, though, focus on the first thing you said because I actually think you have opened up something that has not been talked about in the narrow debate about imminence. If imminence was not met or, as the President tweeted, if imminence does not matter, then the only rationale for what the United States did was either prevention, which is an open-ended thing—we do not want certain things to happen whenever they might—or it is retaliation for what Soleimani had done in the past.

If we are talking about justifying American military, the use of military force for either prevention or for retaliation, that is something—that is basically called war. That is why we fight wars. We want to prevent things or we want to retaliate.

Again, imminence is preemption. Under international law, under the U.N. Charter, that gives you the right of anticipatory self-defense. It is a special category. It is when you hit a missile just when it is about to be launched. You get an airplane when it is about to take off.

But to do either retaliation or prevention is a big step. I am not saying it is wrong. I am just saying it is a big step. It would be the kind of thing we would do against Iran, conceivably, if all of

our arms control efforts failed, Iran was developing a nuclear weapons program, and we said we have to stop it. It is the kind of thing that Israel did against both Iraq and Syria. Those were preventive strikes. It is a big step we have to think about.

All I am saying, I think for Congress and for this committee, as I understand the AUMS and all that, we do not have at the moment authority to carry out preventive or retaliatory——

Mr. SMITH. And on that point—and I know my time is over—but Jeh Johnson said that Soleimani was a "lawful military objective". You do not agree?

Dr. HAASS. I do not agree because he is——

Mr. SMITH. He was in Baghdad.

Dr. HAASS. He was an agent, he is an agent of a State, of a country. If he were simply working for a terrorist organization, then we have all the authorities we want. But, as an official of the Iranian government who is using terrorist-like tactics——

Mr. SMITH. He was designated a terrorist under the Obama Administration.

Dr. HAASS. And again, I have questions about the validity. I think that we have to be careful. He is an agent of—I am not saying it was right or wrong. All I am saying is it is a big step and we should think about we may want to do it; we may not want to do it. But the idea of using military force for preventive or retaliatory reasons against officials of the Iranian government or against Iran directly is a big step for the United States. And I think it is something that this committee, and the Congress more broadly, ought to contemplate the pros and cons of doing it.

Chairman ENGEL. Thank you, Dr. Haass.

Let me say, before I call on Mr. Meeks, that it really is false to compare the legality of strikes against al-Qaeda, including against Osama bin Laden, with the killing of an Iranian official because Congress specifically authorized strikes against al-Qaeda after 9/11. We have never authorized strikes against Iran, and to say otherwise is just not factually correct.

Let me call on Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman.

And thank you, Dr. Haass, because that is exactly where I was going to start my thoughts, because, clearly, the administration initially thought that they did not have the authority to do the strike, other than utilizing the fact that there was an imminent threat. If they thought they had other avenues of which to justify it, they would not have said, as they did over the first couple of days, that they did it because there was an imminent threat, and the President then saying that there were four embassies, or he thought four embassies, that were going to be threatened.

And so, for me, when you talk about the assassination of General Soleimani, it was not to stop an imminent Iranian attack against the United States. Nothing that I have seen in classified settings or otherwise has shown me one shred of support for the President's initial claim that there was such a threat.

Given conflicting explanations coming out of the administration about the killing of Soleimani, it is particularly striking to me, first of all, that Secretary Pompeo is not here today to speak directly to this committee. Over and over again, we see from the Trump Ad-

ministration a clear disregard for congressional oversight responsibilities as an equal branch of government. And with this escalation of hostilities in the Middle East, we see other consistent patterns. There is no strategy. There is conflicting stories and there is even downright lies.

I have disagreed with actions of previous administrations when it came to acts of military aggression that set us on the course for war. But I have to say this: at least they showed up for those actions and to produce a case. This administration does not even have the guts to make the case for what it did, whether it was preemptive, preventive, defensive, or simply retaliation. Congress must have the facts surrounding this assassination. Our men and women in uniform deserve the facts. The American people deserve the facts. Congress demands those facts in the face of impulsive actions by the President of the United States.

President Trump may have infatuation for, as we have seen during his course of office, dictators and authoritarian governments, but we have neither of those in the United States of America. And Congress and the American people must get answers. The list of actions that are legally and strategically questionable continue to pile up in this administration. And yet, they still refuse to provide clear and honest answers.

Pulling out of the JCPOA, no strategy. Abandoning the Kurds, no strategy. The specific benefit of assassinating Soleimani, no strategy. Suggesting that the U.S. will destroy cultural sites in Iran, no strategy. Denying Iran's Foreign Minister Zarif a visit to go to the United Nations, no strategy. Suggesting that we will punish Iraq if it follows through on expelling our military, no strategy.

We need answers. Were the U.S. embassies in jeopardy of attack or not? What do the American people need to know about talks with Iran facilitated by Switzerland? What happened in Yemen? And what happens now that we have, by this strike, devoted the attention away from the fight against ISIS? Reports indicate acknowledgment of our allies that the focus has shifted, at least for now.

So, Dr. Haas, and then, I hear the President is now saying that NATO should be more involved. Whether or not there was questions or whether or not he informed any of our NATO allies before this strike what he was going to do or why he was going to do, et cetera, we do not know. But going to our allies after the fact seems to me to be questionable also.

But I would like to know from your estimation, sir, what specific role could and should NATO play with respect to the Middle East and the Persian Gulf, given the United States withdrawal from the JCPOA? And what parameters are necessary before the alliance considers additional operations in the region, so that we are working collectively together as one?

Dr. HAASS. Well, thank you, sir.

As a first step—it is not NATO, but it would involve several of the European members of NATO—I would think to consult about the JCPOA, what I call, 2.0, some future initiative, and to also consult about how we would respond in terms of sanctions to gradual Iranian breakout of the 2015 agreement. That ought to be a U.S.-European undertaking.

I also think we ought to be consulting with Saudi Arabia, Israel, and others, about how we deal with the possibility that Iran will, directly or indirectly, undertake other military actions around the region. I do not want to see a repeat, for example, of the sort of thing we saw when the Saudi oil installations were attacked, and we did not respond. I think that erodes deterrence.

In terms of NATO more formally, this is an obvious out-of-area mission, and the question is whether it is protecting oil traffic. One could imagine some joint efforts to protect certain countries in the region. Again, it would be a big out-of-area undertaking for NATO, but there is no reason we ought to do this unilaterally. And I think we have a much better chance of getting NATO to do something like this if it were done in the larger context of being coupled with a diplomatic initiative.

Mr. MEEKS. Thank you. Out of time.

Chairman ENGEL. Thank you, Mr. Meeks.

Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. Many in the mainstream media and many of my colleagues on the other side of the aisle—not all, but many—have been very critical of the President's action in taking out Soleimani and said it is irresponsible and warlike and he wants to start another war.

I would argue, as our ranking member said a little while ago, that I think this President's responses to Iranian aggression has been very restrained, whether it was shooting down our drone or attacks on international shipping or their overall general aggression in the region.

This President has not taken significant military action, even in this case. It was very targeted. It was decisive. It was justified, I would argue long overdue when one considers how much blood—American blood and others—that this monster had on his hands. So it is good he is dead, and it is good there was not significant collateral damage. And I think that this President showed great responsibility, and I think we should be proud of the action he took.

With that said, there are ongoing protests now, and accelerated protests really, because of the airliner being shot down by the Iranians. And the previous administration of course got some criticism when during the Green Movement, when the people were protesting and they were put down most viciously and aggressively by the Iranian government at the time, and that there was—there should have been a more significant American response/argument against it, then the government uses that against the people that are protesting and says, "Oh, you are in cahoots with the Americans," or whatever. So there is some argument on both sides.

But the protesting is ongoing now, and I think all of us, certainly most of us, would like to support that. But I would be interested, since we really have a very distinguished panel of experts here, as to what is the best way for us and our allies, the free world, to support these protesters, because as the President has said, his beef is with the Mullahs and this government which represses the Iranian people, not the Iranian people. We are on their side, for the people.

So what can we do to assist them? And I will just go to Mr. Hadley, and we will just go down the line.

Mr. HADLEY. It is a very good question. It is tricky because one of the things authoritarian regimes do when there are demonstrations against them is to blame it on outside powers. And so anything we will say will be used as evidence that, ah ha, the Americans are behind these demonstrations, and to try to discredit them.

That being said, I think the Administration is right, and prior administrations have tried to make it clear that we are on the side of the Iranian people for a government that is more accountable, a government that is paying attention to their needs, that provides better prosperity, security, and a brighter future for them. We ought to be very clear about that, and at the same time, disparaging them by saying—the government by saying instead of operations in Syria, Lebanon, Iraq, the Iranian government ought to be taking care of the people are home. We ought to make that very clear.

And the third thing we ought to make clear is that—and I think we can, and hopefully get other countries to join us in this—there is no justification for a government to use lethal force against peaceful demonstrators. That is a general principle we all should subscribe with, and hopefully that will deter the Iranian authorities from further crackdown on their own people as they demonstrate against the incompetence of their own government.

Mr. CHABOT. Thank you very much.

Ms. Haines.

Ms. HAINES. Thank you. I fully agree with what Mr. Hadley has said and would say on that last point, too, that I think one of the things that the Administration could usefully be doing now is working with other partners and allies to reinforce that message in order to create the deterrence on that point.

I think another thing, honestly, that I believe the Administration could do to support the Iranian people is to lift the ban on visas essentially. So allowing common Iranians to come into the United States actually is critical for us in developing those relationships and in promoting and understanding better the Iranian people and giving them a voice on these issues.

Thank you.

Mr. CHABOT. Thank you very much.

Dr. Haass.

Dr. HAASS. Agree with both—all the statements by my two colleagues here. I would think that, again, we should—with an initiative that specifically promised sanctions relief that would help the Iranian people, if only their government would change its ways. It needs to be in public, and I think that would help.

I also believe it would help if we were consistent. It looks too opportunistic for the United States to simply single out repression in Iran. Last I checked, it is going on in a lot of other countries around the world. There has been a democratic recession over the last decade and a half, and it would look as though—if we stand up for the Iranian people, and it is part of a consistent policy, it will be taken much more that this is not regime change by another name.

It will look—so if we stand up and we are critical of what the Chinese are doing, what Russia is doing, what is happening in the Philippines, what has happened in Saudi Arabia, we can go around

the world. Unfortunately, there is too many places these days. But if we are stand up and we make it clear that this is part of a larger policy, that we stand for people, for rights everywhere, I think that actually will be much better received within Iran.

Chairman ENGEL. Thank you.

Mr. DEUTCH.

Mr. DEUTCH. Thank you, Mr. Chairman. We appreciate the esteemed experts being here today, but it is, Mr. Chairman, shameful that the Secretary of State is not sitting before us to answer the questions of the American people.

This Administration may disregard Congress as a co—equal branch of government, and they may ignore congressional authority to authorize the use of military force, but I would remind the Secretary that we are the elected representatives of the American people.

The President is giving more information to Fox News than to Members of Congress. But with each new piece of information, the story gets more and more confusing. Conflicting explanations from the White House, the State Department, and the Defense Department should give all Americans pause. Not pause as to whether or not Soleimani was a bad man who deserved his fate—of course he was and he did—but pause to question whether this action makes us safer today and in the long run, and to question whether we can believe what the President says in the context of our national security.

It is beyond offensive that some, including the President of the United States, suggest that by asking for verification of intelligence after a significant military escalation, that somehow Members of Congress who swore an oath to this country are defending a man responsible for the deaths of hundreds of Americans.

We have a solemn duty to know that, if we are sending American men and women into harm's way, we are doing so because it is the only way to preserve our national security. It is our most solemn duty as elected representatives, and I cannot understand why anyone is surprised that we might want to ask some questions when such an abrupt and escalatory action is taken.

Now, my record on this committee going after Iran's malign activities and their support of terrorism worldwide speaks for itself, as does the chairman's and many others who have spent a decade working to prevent the Iranian regime from obtaining a nuclear weapon, spreading terrorism, and destabilizing an entire region, and violating the human rights of its own people.

And our colleagues on the other side of the aisle understand that, and they know that, and I am sure that none of them would today suggest that any of us—any of us here is on the side of terrorists. Every one of us today is committed to strengthening our national security. Members of Congress know that, the White House knows it, and they ought to act accordingly, in word, in action, and on Twitter.

Dr. Haass, as you have said, we are where we are now. Soleimani is dead. The House has spoken on the President's authority to start war with Iran. And his death doesn't change the fact that Iran still has ballistic missiles. It still supplies proxy groups with dangerous weapons. It still could easily restart its

march to a nuclear weapon. It still cracks down on protesters and violates the human rights of its own people.

Let's not forget that in October the ban on conventional weapon sales to Iran is going to expire. So in this current reality, in the absence of any real international coalition or negotiations, what immediate steps can be taken to address these threats? And what do we make of the Europeans' decision to trigger the dispute mechanism in the JCPOA to hold Iran accountable to its commitments? Does that present an opening to rebuilding its coalition?

Dr. HAASS. The news about the Europeans, sir, is very good news. It suggests to me that we are not alone here. Concern about Iran's behavior, nuclear missile, and regional, is widespread. The JCPOA was a collective effort, and it is not too late, I think, to revive multilateralism here. That is really serious.

I mean, all of us have worked with the Europeans on this issue, and they were not dragged along kicking and screaming. They were, in many cases, ahead of us. So I think we have got real partners there on dealing with Iran, and I think there would be tremendous support for some type of an initiative that built on the JCPOA and extended some of the constraints on Iran, again, in exchange for a degree of sanctions relief.

I actually think there would be a lot of openness to that idea. I think what we were just talking about a minute ago, there is tremendous concern about human rights and political situation in Iran. So I think we will—we will find that we are knocking on an open door there and some type of a collective effort. So I would work on that front.

The other thing I think you heard from all three of us is the importance of repairing the U.S.-Iraqi relationship. I mean, think about it. Qasem Soleimani's principal goal was to drive the United States out of Iraq. Why in the world would we want to facilitate his success there after his death? We ought to make sure that does not happen.

Steve Hadley gave, I thought, a lot of good ideas about ways we could signal almost to help the Iraqi government manage the Iraqi politics. We could also look at some creative things.

When I was in the Pentagon years ago, when we were building what became Central Command, we used to look at the idea of presence without station. There is ways to have a regular force presence without necessarily having forces be permanent. This may help the Iraqi government manage the politics of it without a serious diminution of our capabilities.

So it may be impossible to go back exactly where we were with Iraq, but it has got to be a strategic priority of the United States not to allow Iran to really make—how would I—to put it bluntly, to Finlandize Iraq. We ought not to let that happen, it need not happen, and we do not want to see groups like ISIS startup again, basically resume their business.

We made so much progress in Iraq. Whatever you thought of the 2003 war, we made a lot of progress there. To throw it away over this seems to me really self-defeating and counterproductive. It is not too late, but we need to get on it.

Mr. DEUTCH. Thanks, Dr. Haass.

Thank you, Mr. Chairman.

Chairman ENGEL. Thank you, Mr. Deutch.

Mr. WILSON.

Mr. WILSON. Thank you, Mr. Chairman. Last week, universally respected Senator Joe Lieberman, a Democrat, provided an extraordinary op-ed in The Wall Street Journal, and I quote, "President Trump's order to take out Soleimani was morally, constitutionally, and strategically correct. No American can dispute that Soleimani created, supported, and directed a network of terrorist organizations that spread havoc in the Middle East."

"In Syria, more than 500,000 Syrians have died. During the Iraq War, Soleimani oversaw three camps in Iran. They trained fighters, who have killed more than 600 American troops. The claim that President Trump had no authority to order this attack without constitutional approval is constitutionally untenable and practically senseless."

"Authority to act quickly to eliminate a threat to the U.S. is inherent. Democrats should leave partisan politics at the water's edge and stand together against Iran and dangerous leaders like Soleimani."

And Senator Joe Lieberman—I am really grateful—he tells the truth. And, Mr. Hadley, I am particularly grateful that you actually cited the murder of Hamid, of Nawres Hamid. Mr. Hamid was an American, Iraqi-American contractor of Muslim faith. He was killed December 27, just 2 weeks ago, a Californian killed by the missile attacks of the militias directed by Soleimani.

Keeping that in mind, I see positive coming, and, Mr. Hadley, it would be—it is encouraging to me to see that our appreciated European allies are changing their policies on sanctioning of Iranian authoritarians. What progress do you see in that regard?

Mr. HADLEY. It is interesting, as you point out, that the Europeans—that is, France, Germany, and the U.K.—indicated that they were going to go to the United Nations to raise the issue of Iraqi—of Iranian noncompliance, and potentially start a process that would involve the springing back of the sanctions that were relieved as part of the JCPOA nuclear deal.

How far that will go we do not know. You know, the Europeans are trying, without joining the Administration's policy of maximum pressure, are nonetheless trying to preserve that nuclear agreement and to try to keep Iran abiding by its terms.

And I think one of the dramas that this committee will want to keep an eye on going forward is if Iran does continue its gradual progression to no longer observe the limits of that agreement, and the time between now and when it can get the nuclear material necessary to make a nuclear weapon reduces from a year to months and maybe weeks, there will be calls for military action by the United States.

There will be calls I think within Israel—and it is one of the issues I think that this committee needs to think about in advance—you are entitled to information about past actions. I think the committee has an opportunity to do some deliberations about what is the framework that should be in place in the event that Iran moves in that direction.

Mr. WILSON. I appreciate raising the threats to Israel. We know that it is Iran that has placed tens of thousands of rockets with

Hezbollah in Lebanon to challenge and threaten the people of Israel. They have placed tens of thousands of rockets in Gaza with Hamas to threaten the people of Israel.

What role would Soleimani have played in supporting these terrorist organizations?

Mr. HADLEY. Soleimani was a government official in the government of Iran, that is true. He was also the mastermind of these terrorist militias that Iran supported. And he was behind the creation of Hezbollah, which was one of his great—he would say one of his great creations, a presence in southern Lebanon that poses a real danger to Lebanon—to Israel.

So he was more than a government official. He was really the mastermind of one of the most successful terrorist operations there has ever been. And I think there is very little question that, as a matter of defense, he got his just desserts.

Mr. WILSON. And it is inconceivable to me to hear that there should be an immunity for persons because they are a leader of the world's No. 1 sponsor of terrorism. They should be a target. The President acted correctly protecting American families, and Israeli families immediately, but Muslims first.

Thank you.

Chairman ENGEL. Thank you.

Mr. CONNOLLY.

Mr. CONNOLLY. Thank you, Mr. Chairman, and welcome to the panel. And, Dr. Haass, I am a member of the Council on Foreign Relations. Thank you for your wonderful work on the council.

I must say——

Dr. HAASS. Thank you for your dues, Congressman.

Mr. CONNOLLY. What is that?

Dr. HAASS. Thank you for your dues.

Mr. CONNOLLY. Yes. Make sure I am current, will you?

My good friend from South Carolina, if we follow his logic, apparently, we are going to be assassinating lots of bad people all over the world, because apparently that is all we need. If they are bad people, and they are responsible or can be tied to the deaths of Americans or allied citizens, it is wild west; we go out and kill them.

And, by the way, without a "howdy-do" from Congress and without any kind of real coherent rationalization to Congress or to the American people, and the consequences be damned. Let's not even talk about the consequences.

Sometimes somebody can be a bad actor that in an ideal world we might want to take out, but we have got to look at the consequences of doing so, none of which happened in this case, and that is why we are having this hearing. And I understand that in wanting to justify or defend the President's actions, we might get carried away a little bit.

But I do not know, Dr. Haass, if you want to comment, but I am one of these people who looks at the fact that Article 1 in the Constitution is about the powers of Congress. And it is Article 1, not Article 8, for a reason. The writers of the Constitution, our founders, felt that the ultimate power of war and peace was in Congress' hands, not the Commander in Chief. The Commander in Chief follows only after Congress acts on the matters of war and peace.

Now, in the modern world, we have abrogated that power time and time again, because we like having it both ways. That does not mean that the President gets to have unfettered power to make these kinds of decisions without consultation with Congress. Is that a fair statement, do you think, Dr. Haass?

Dr. HAASS. Let me—I will not use your words, but I am close to it. I think there is a fundamental difference between taking out a member of a terrorist organization and taking out an individual who is an official of a nation State who happens to use terrorist organizations to promote what the State sees as its agenda. I am not saying it is necessarily wrong. I am saying it is a big step. We have crossed a line there.

So I think one thing this committee needs to think about is when it looks at AUMFs, none is on the books that allows us to do this, a best I understand. So I think it is a legitimate question for this committee to say, "Do we need to think about an AUMF toward Iran that deals with this set of scenarios where Iran would use military force to promote its ends?"

And also with the one that both Steve Hadley and I have talked about here, about the gathering threat on the Iranian nuclear side. Just say we do get intelligence that Iran is a week—a month away——

Mr. CONNOLLY. Yes. Let me just interrupt you there. I listened to Dr. Hadley with great interest, and I do not think his analysis is wrong about after the fact. But what Dr. Hadley, at least in this set of remarks did not mention, was, well, who ripped up the JCPOA? It wasn't Iran. It was President Donald J. Trump. And that did not make the world safer; it made it more dangerous.

It meant we lost all leverage over Iran, other than sanctions, and they had nothing left to lose. How can we be surprised that they are now deciding, based on the economic pain they are experiencing because we reimposed sanctions, that they are going to use the one big lever they have got; namely, the nuclear development program, which is exactly the outcome I thought we and the Israeli government wanted to avoid.

Dr. HAASS. Well, I do not think we can be surprised. As I said in my statement, we practiced economic warfare. They cannot respond symmetrically, so they respond asymmetrically with the only kind of warfare they provide.

Again, coming back to this committee, I do not think war power is something that solves this question. I do think the front door of AUMFs, or whatever range of scenarios we are thinking about Iran, is a subject worthy of your collective consideration.

Mr. CONNOLLY. So, Dr. Haass, final question because I am going to run out of time. The assertion has been made here multiple times that the world is a safer place without Soleimani in it. What about the other side of that coin, though? What about the fact that actually by assassinating Soleimani, perhaps unwittingly, we have made the world actually a more dangerous place, not only for Americans but for the region?

Dr. HAASS. Well, again, as I said, no one mourns his departure, but the question of whether we are safer, I myself have concluded that we are not, that this was not a wise course of action, and I thought there were better ways to restore deterrence as that was

one of our goals, rather than opening up the kind of scenario I fear we may have opened up here.

Mr. CONNOLLY. And just in terms of timing—and then I will end, Mr. Chairman—while we are claiming it is a safer world with Soleimani not in it, we evacuated Iraq for all Americans. We gave a direction to all American civilians in Iraq to leave the country; is that correct?

Dr. HAASS. I do not know the details of the State Department warning, sir, so I—I just do not know the explicit nature of who was advised to——

Mr. CONNOLLY. Right after it happened, the State Department urged all Americans, civilians, to leave Iraq immediately, whether by air or by land, and put Americans in the region on high alert. So much for a safer world.

I yield back.

Chairman ENGEL. Thank you, Mr. Connolly.

Mr. PERRY.

Mr. PERRY. Thanks, Mr. Chairman.

Anybody on the panel believe that Iran is seeking a peaceful nuclear program for which to generate power, medical devices, et cetera? Anybody on the panel believe that? Hello?

Dr. HAASS. I will just—if you want a verbal answer, my short answer is no. I think they want to keep the option of having a military program very much alive.

Mr. PERRY. Any reason to have a heavy water reactor and enriched plutonium if you are going to have a civilian nuclear program? Any reason at all? Yes, ma'am.

Ms. HAINES. I mean, I have the same view that Dr. Haass presented. I think the question is, is there a difference between what you are describing—in other words, a peaceful program, which nobody thinks that Iran is really doing this simply for peaceful reasons or for medical isotopes or things along those lines—versus a decision to actually pursue a nuclear weapon, which is the space that we are in right now, and that we have been trying to manage in effect.

Mr. PERRY. Mr. Hadley.

Mr. HADLEY. We know from intelligence that up until 2003 Iran had a covert nuclear weapon program and a covert military-run enrichment capability to feed that program. And that they gave it up in 2003 when, after the U.S. invasion in Iraq, they thought they were next.

And it raises this point that Iran has responded to threats to the regime to change its policy. I think that is what you saw when they gave up their nuclear—formal nuclear weapon program in 2003. And I think they have continued an infrastructure that gives them the option, and they have kept that alive.

Mr. PERRY. Do any of you know what is happening regarding their nuclear program in the military installations and sites that are not inspected by any outside or international agency? None of you know? They could be ready right now for as much as you know, right? They could be ready right now. You cannot say they are not, right? We do not think they are, but you cannot say they are not.

My point is is that they are doing this, and they are going to do this, and over the course of much of my lifetime we have sat back and watched them do this and hoped they would stop, right?

I do not know if any of you have read Aleksandr Solzhenitsyn's warning to the West, but we do not like confrontation. We hope that it will just be copacetic if we talk to them and be nice, but they won't be nice. They are not going to be. They have no plans to be, and we are fools to believe anything other than that.

I know my good friend from Virginia said that, "Well, I guess it is a new thing for America to go around killing people that—terrorists, and so on and so forth, that we do not—that we disagree with or do not like." I know he is not here, but I am fascinated by the fact that there were 526 separate counter terrorism strikes under the last administration.

You know what we heard in this committee about that, about the human cry? Article 1, Article 2, the Presidential powers. Who does he think he is? You know what we heard? We heard nothing. We were killing terrorists, and thank God we were killing terrorists.

People in this body, people in this building, people in this town sent people to war knowing this guy is walking around conducting strikes on Americans, conducting strikes all around the world, killing people, innocent people, combatants, Americans, et cetera, and did nothing. Did nothing.

The people in this building, the people in this town, should be ashamed of themselves. They should be—it is despicable. It is unthinkable to me. That this President finally did it is a ray of sunshine for the world. This guy is a murdering terrorist and should have been taken out.

And what about the consequences? Everybody is saying, "Well, we are escalating." Do you folks know that in the last 2 months, 24 separate attacks on America or America's interests, in November and December 2019? Wake up, everybody. What is it going to—what would it take? How many more lives?

Americans had to leave Iraq because Soleimani was killed. Oh, well, I guess you can stay and take your chances. You can do that. This is absurd. This hearing is absurd. This subject is absurd. And, quite honestly, the comments from many of the people in this place have never put on the boots, carried the weapon, and defended their country are absurd. We have put people's lives at risk knowing full well that they should not be there because we did not give a damn to do the right thing to protect them.

I yield back.

Chairman ENGEL. Ms. Bass.

Ms. BASS. Thank you very much, Mr. Chair.

I wanted to focus my questions actually on our relationship with Iraq and wanting—Mr. Haass, you were—Dr. Haass, you did begin to respond to that, and I wanted to ask the other witnesses if they would as well. Given what has happened, what is our current state of our relationship with Iraq?

Ms. HAINES. Sure. I mean, I can only respond, obviously, based on the information that I see in the news, and it—clearly, the strike had an enormous impact on our relationship with Iraq. Iraq has come out and indicated that they did not provide consent for this particular strike on their territory.

And it has brought the parliament to the point where they have actually passed a vote calling for the U.S. forces to leave, and we have seen that the Prime Minister has indicated that in fact they want a delegation to talk about leaving Iraq.

And I think, you know, as Dr. Haass noted, this is in many respects exactly what Soleimani had wanted. And as a consequence, we are now in a position where I think it will be likely that it is unsustainable for us to have the presence that we have had.

I hope that is not true. I hope that we can, in fact, get through this period with them and that their domestic politics do not erupt in such a way that it makes it impossible for us to stay.

Ms. BASS. And I would like to ask your thoughts, you know, Mr. Hadley, on what it would mean if we left. You know, when I saw the protest and the attack on our embassy, I was really shocked. I have been there, been to the Green Zone. As a matter of fact, I went with my colleague on the other side of the aisle, Mr. Chabot.

And knowing how fortified that area was, to see it penetrated the way it was, it certainly left me feeling like the Iraqi military just basically said, "Have at it." I mean, I do not see how that could have happened without it. And so why did they do that? And what are the implications if our troops were forced out?

Mr. HADLEY. As I have tried to indicate in my testimony, I think it would be a disaster for Iraq, a disaster for the United States. For the Iraqis, it would undermine their sovereignty, compromise their ability to deal with ISIS, and open the door to even more Iranian influence.

I am not pessimistic about this. I think it is a political problem for the government. In that parliamentary vote, all of the—as I understand it, all of the Sunni and Kurdish representatives stayed away, clearly do not want to see U.S. forces pulled out.

There are demonstrations returning in Iraq today, Shia on the street, and they are now focused once again on Iranian influence. So I think if we can buy some time, if we can make the kind of statements that will help Prime Minister Abdul-Mahdi deal with the problem politically, the domestic political problem that he has, and start a process of consultation, we can talk about what is the proper mission, configuration, and role of U.S. forces now that ISIS has been forced out, and yet is also organizing to return.

I think we can change the mission configuration of the forces, make sure we are partnering closely with the Iraqis, and keep a significant force there. I think it is in the interest of the United States and the interest of Iraq.

Ms. BASS. So, Dr. Haass, thinking about ISIS, thinking about what happened in Iraq, and then also Syria, and the fact that we pulled out of Syria, and I do not know the status of the ISIS soldiers that were in prison. And given Iraq and Syria, what are your thoughts about a resurgence of ISIS?

Dr. HAASS. Well, I think it is highly likely that there will be a resurgence. Turkey is not—whatever else Turkey is, it is not a full partner in this effort. It is not a priority in some cases for the government. Also, a lot of these people in Syria, unlike Iraq, came from around the world. Iraqis were, in many cases, much more local.

So I assume, to some extent, there is a real danger of reconstitution. Will it go back to the way it was? Hopefully not. You know, a lot of things have to happen.

Ms. BASS. Well, what about some of those soldiers going back to Europe?

Dr. HAASS. Again, I think that in large part depends upon Turkey's behavior. Turkey has often used the flows in both directions as a source of leverage—you know that—both recruits coming to the region and people coming back. But you have to assume that a certain number will get back to Europe.

This is I think a permanent challenge, to put it bluntly, for European security. I do not see it ever disappearing.

Ms. BASS. Thank you.

I yield back.

Chairman ENGEL. Thank you.

Mr. YOHO.

Mr. YOHO. Thank you, Mr. Chairman. I appreciate you holding this hearing.

I just want to bring us back to the title of this hearing, "From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy." I read here about Soleimani, some of the facts you were asked about him, and I think most of these are already known. He was Iran's top and most powerful general. He joined the Revolutionary Guard in 1979 during the Iranian hostage crisis, which I remember very well.

He rose to their top leader quickly, commander of Iran's Quds Force, the elite unit responsible for Revolution Guard's foreign operations. He also considered—was considered a nemesis to the U.S. and the Middle East with American officials blaming him for the deaths and maiming of thousands of American soldiers and the regional allies.

David Petraeus, the former commander of the U.S. force in Iraq, described him as a truly evil figure.

Before his death, Soleimani was called a living martyr by the—of the revolution by Iran's supreme leader, Ayatollah Ali Khamenei. So he was already considered a martyr for the cause. We just sent him to his rightful place.

He did occasionally interfere in Iran's domestic policy. Dr. Haass, you talked about, you know, how Iran—the citizens rose up in 2009. Let me tell you about this guy. In July 1999, Soleimani cosigned a letter warning president-then Mohammad Khatami that the Revolutionary Guard would put down large student protests if he did not.

He was a bad player. I mean, nobody is disputing that.

I want to pivot over to the JCPOA. You know, we were here when that was negotiated, and I remember very clearly John Kerry saying, "No deal is better than a bad deal." That was a terrible deal, and I applaud Donald Trump for pulling out of that.

How binding was the JCPOA, in your opinion?

Dr. HAASS. Well, it was binding because the President of the United States entered into it. We entered into it not unilaterally but with our allies. So I——

Mr. YOHO. Was it signed by anybody?

Dr. HAASS. Physically signed, you know, it was signed certainly by the Secretary of State. So he—and, you know, he represents the United States. And Congress I think is a large——

Mr. YOHO. It was never voted on. So if I do not sign an agreement to buy a house or a car, if I do not sign the contract——

Dr. HAASS. That fact is——

Mr. YOHO [continuing]. It is not binding.

Dr. HAASS. I disagree with you, sir. When the Secretary of State of the United States, speaking for the President, enters into an international agreement, like it or not, that represents—that is speaking for the United States.

Mr. YOHO. Did our Senate sign it? Pass it?

Dr. HAASS. We enter into all sorts of international arrangements that are not passed under the treaty procedures of the Constitution, and in many cases they are not voted on. That is a legitimate question about whether we have moved away from the two branches working together in terms of international agreements.

Mr. YOHO. I have got to take my time back. You know, it was a bad—it was a bad deal, and President Trump did well. The release of the money—John Kerry sat here and we said, "Was that money going to go into the hands of terrorist groups?"

And he said, "More than likely, yes, it would." He sat right here and said that, and I think we can speak loudly today and we can see the results of that.

We are talking a lot about imminent threat. Imminent threat, is it Iran capturing our Navy personnel in January 2016? Was that an imminent threat? Is it the attacks on the oil tankers in the Straits of Hormuz? Is that an imminent threat? What about Hezbollah and the Houthi rebels taking out the Saudi petroleum pipelines or firing at U.S. naval ships? What about the killing of U.S. citizens and injuring four other service members?

When is an imminent threat imminent? Do we wait for the next one and say, "Golly, maybe the next one will be imminent." President Trump did the right thing.

And the other thing we do not talk about is the other terrorist that got taken out, Mahdi al-Muhandis. You know, he orchestrated attacks on U.S. and French embassies in 1993. It is time that somebody takes these people out.

Go back to Bill Clinton. If you read the book Dereliction of Duty by Robert Patterson, he was offered Osama bin Laden over 10 times. He refused to either capture or to eliminate him.

The question is: would 9/11 happen had Bill Clinton done his job? What would happen if President Trump had not done this? What would have happened if George Bush or President Obama would have removed Soleimani or Muhandis when they had the opportunity? Would we have had our servicemen and women killed or maimed?

And so this question about, was this the right thing or not, leadership is tough. Harry Truman said, "If you can't stand the smoke, get out of the kitchen." President Trump did what he had to do, and this country is safer for it, and I think the world is safer. And they are going to look at America and said, "Thank you for your leadership."

I yield back.

Chairman ENGEL. Thank you.

Mr. KEATING.

Mr. KEATING. Thank you. The people that I represent in discussions, they have got one question. Are we less safe now than we were before? And I think this is an important hearing because I think the answer to that question is much more fundamental than just dealing in the prism of the killing of Soleimani.

Are we safer with this maximum pressure campaign that we have? And that campaign to date has not been successful. I think that is clear. And part of the reason, maybe the major reason, there is no diplomatic arm attached to that. There is no intermediaries there.

The idea is, beat them to submission and capitulation and then dictate the response of any negotiations. That is perceived no other way by the Iranians than a regime change.

Are we safer with the resultant effects on our military, we move more and deploy more troops to that region, away from other areas, away from dealing with the threat of ISIS? Are we safer as we move our limited naval assets through that region, taking them away from South China Sea and the other parts of the world?

And, importantly, are we safer with this go-it-alone strategy that we have? You know, and that is just not a minor thing. That is something we have that our enemies do not have—a historic coalition with our allies. That is a huge difference maker, maybe the biggest I believe.

And what has happened here? We do not give them notice, and that is just not about the killing of Soleimani. That is about the troop withdrawal in Syria where our allies had troops on the ground, uniformed, until according to a hearing we had recently maybe hours that they were—we were going to pull out of there.

The IMF Treaty, our delay in Ukraine in terms of military assets there, the Qatar Gulf Crisis, the TPP, you can go on and on. We are just not consulting with our coalition. We are turning our back, making unilateral actions, and then saying, "You better get in line." We are not safer because of that.

We pulled out of the JCPOA unilaterally. And then, using our own economic powers, are putting pressure on our own allies to get out themselves instead of talking with them in an agreement that we joined in together.

So if we are going to have an answer to are we less safe now, I am glad we are talking about these fundamental issues and not getting caught up in an incident-by-incident cycle of escalation where there is a shoot-from-the-hip kind of action, then there is a policy kind of filler after that, telling everyone in Congress, everyone in America, everyone that is our allies, "Well, you better get in line with us after we do it." And have a cycle of escalation and having that danger where the only alternative we are leaving ourselves is militarily.

Can you talk about the bigger picture here and how these actions make us less safe, give us less alternatives going forward? And this is—we just cannot continue an action where we are dealing with individual incidents. We have got to take this further.

Dr. HAASS. Is that any particular one of us, or all——

Mr. KEATING. I want you to jump in. Go ahead.

Dr. HAASS. I will just make a very short comment. Look, I think one of the structural and strategic advantages this country enjoys—and it has been one of the reasons we have been as successful as we have been now since World War II or even going back to World War II, is our network of alliances.

Unlike China, unlike Russia, Soviet Union, except when it had—could coerce alliances, we have real allies, and that allows us to leverage our capabilities. And it worked tremendously in the Gulf War, but it has helped keep the peace in Asia, and, obviously, in Europe.

So it is demonstrated to be effective, and I think we ought to revive it wherever we can in dealing with the issues we are talking about here today.

I also think—this is an aside—it is not the subject of today, but the only way we can begin to deal with global challenges is collectively. The very nature of these challenges does not allow any country on its own to effectively contend with them. So I do not think you will get a lot of argument about the structural advantage and the case, if you will, for collective action.

Mr. HADLEY. My understanding is from Brian Hook, who I am sure has testified before this committee, that in the opening days of the administration they had the view that the nuclear agreement was inadequate because it did not close the door on Iran getting a nuclear weapon.

And the prior administration had not addressed ballistic missiles or Iranian activity in the region, that Brian was designated to try to work with the European allies to come up with a common approach to address those three things and was unable to do so.

The administration then has adopted a strategy to try to address these issues. We do not know whether it is going to work at this point. We are in mid-course. My understanding is they can continue to talk to our European allies about these issues, and particularly about the nuclear issues. And if we get a negotiation started, which I think is the thing we need to do to keep this from escalating further——

Mr. KEATING. My time is—if I could, Mr. Chairman, have 20 seconds, I want to say this. I was asked by this administration to get involved when we were discussing this with our European allies to see if we can get them on board.

You know, I have been talking to our allies personally, and the chances of them walking away from this was zero. And when I told them that, you know what their response was? I said, "What is your contingent plan then if"—and they said, "Well, we are working on it." That is the problem. "Well, we are working on it." They act impulsively, and then, "Well, we are working on it." That is the point.

It is well and good to say we had the discussions. Believe me, I was privy to a lot of that.

I yield back.

Chairman ENGEL. Thank you.

Mr. KINZINGER.

Mr. KINZINGER. Thank you, Mr. Chairman. Thank you all for being here. Just a couple points on the ballistic missile issue, I remember somebody testifying and I asked them if—with this nu-

clear deal, if they included ballistic missiles or tried in that, and they said, "Well, we did at the beginning, but we knew Iran would never agree, so we dropped it."

It was like, "OK. Well, that is a problem there."

So a couple of points. You know, I hear a lot about the safer question and it makes for good headlines. I want to say first off, for the military, their job—the military's prime job is not to be safe. It is to keep the American people safe. And so the military, as an end state, and if the end state is avoid using the military, we do not necessarily need one at that point, except for a defense force. Their job is to keep us safe, and so that gets thrown around a lot.

But I have been clear and consistent ever since I have been in Congress. So I supported the Administration going to Libya, and I said that that was not something that needed to come to Congress. I cannot say that for everybody and hear that they were consistent on both sides on all of that either.

But I think what is clear—and I would love if, in every one of these strikes that the Administration would come to Congress and we could have a debate without of course it being open and revealing plans and opportunities.

But what is clear is when this strike happened, on day one, on moment one, the second this news came out, I had many of my friends on the other side of the aisle that immediately opposed what happened. And I dare say that a lot of people that were out making comments probably did not even know Mr. Soleimani's name until he was killed.

And so look at what that kind of knee jerk reaction is, and then the follow-on of this is going to escalate into World War III, we heard that on more than one occasion. So, obviously, there is no World War III right now.

And I want to look at the history of how we got to this point anyway. So the other thing people say is, "Well, now they are going to attack through the proxies."

I ask, what is new? I will tell you, in 2008 and 2009, I was in Iraq. I flew ISR. We operated against both, obviously, insurgents in Iraq but also against Iranian influence in Iraq. Many of my colleagues here did the same thing. They killed 600—estimates 4-to 600 of my fellow men and women in uniform. They have been using their proxies ever since.

I remember under the prior administration, when we were talking about the ISIS fighter, the concern was when ISIS was defeated that the Iranian proxies would turn against the American presence in Iraq. So this is not a new response.

And so what I would argue is if you look over the years of history of Iran, and specifically the years of history of Soleimani, it was nothing but attacks and provocations against the United States of America.

In fact, many of us on both sides of this aisle were actually upset with the Administration for not responding to its—they say "drone attack." It is the equivalent of the economic damage of destroying 10 F–16s, by the way, because of the cost.

Many of us were upset with the administration's lack of response against the attack on the Saudi oilfields. And then when the response finally comes, finally, the first time the United States has

taken kinetic military action against Iran in response to the many provocations from Iran, they target the one man that is responsible for these provocations and not 100 people that are working a few surface-to-air missile sites because it would not be escalatory.

And then the response was, "We are escalating." And then we see this unfortunate tragic shootdown of the Ukrainian airliner, and many of my colleagues here started claiming it was a response because of the United States' escalation. They, in essence, blame the shootdown of the airliner—yes, the Iranians—but we would not be here if it was not for the United States.

And I would remind you that when we killed Soleimani, the Iranians chose to escalate by attacking our bases in Iraq. And in full expectation of a response by the U.S. President, they had their air defense systems on high alert, and that is when that happened.

Did that response ever come from the United States? No. The President showed great resolve and great restraint to not respond. I do not know if I would have made the same decision, but I think he made the right decision.

So we hear a lot about impulsive actions and without thinking things through.

And then just briefly on the JCPOA. I am not going to get into the argument of whether billions of dollars was given to Iran or whether it was their assets. It is nuance. It is whatever. Okay? That is academic arguments.

But what I do know is prior to the JCPOA Iran was a player in the region, but not a huge one. I know that on the heels of signing the JCPOA, the government—the legitimate government in Yemen was overthrown and a civil war was started there by Iranian proxies.

By the way, they have sent not one dollar of humanitarian aid to Yemen. I know that Syria, the presence of Iranians in Syria, showed up immediately after the JCPOA. Maybe it was the money. Maybe it was because they felt untouchable.

But when you look at regional behavior, that is essential to curtail. And I would argue that the destruction and the killing of Soleimani, all the doomsday scenarios that my friends have predicted, have not come true yet. They may, but that is not going to be a result of the United States. It is going to be a result of the decisions and behavior by Iran and the region.

I had questions, but I do not have time for them. So with that, I thank all the witnesses for being here and spending the time today and your expertise. And, Mr. Chairman, I will yield back.

Chairman ENGEL. Thank you very much.

Mr. BERA.

Mr. BERA. Thank you, Mr. Chairman, and thank you to the witnesses for your years of service to our country.

I would like to first start by acknowledging the loss of Nawres Hamid, who was a resident of Sacramento County, the area that I represent, the American contractor, and our hearts go out to his family. And, it is important for us, as the United States of America, to protect our citizens, our men and women that are around the world.

With that, it is unfortunate that we are seeing such partisan dialog here. I mean, none of us thinks Soleimani was a good guy. All

of us agree that he supported proxies that had the specific intent of disrupting the Middle East and moving us away.

I think the frustration that many of us have—and I would hope folks on the Republican side of the aisle feel the same way—is the decisionmaking process. We have had a joint decisionmaking process that has served our country well, that has been methodical.

I think, Mr. Hadley, you and I have chatted about that decisionmaking process, where you do bring in dissenting opinions, you do—unless there is that imminent threat, and thus far the Administration has not been able to explain to us what the imminent threat was, and, in fact, it does not appear that there was at this particular moment in time, et cetera, that they had to act spontaneously.

It serves our country to actually go through that methodical process and understand the consequences of our actions. We may still take those actions, but if the Administration and Congress are on the same page, it does project strength as opposed to the lack of strength and cohesion.

And I think that is what has many of us on the Democratic side—and, again, I would hope the Republican side—frustrated with this Administration.

Maybe, Ms. Haines or Mr. Hadley, both the Bush Administration and the Obama Administration had discussions about removing Mr. Soleimani and came to a different discussion. Was there a joint decisionmaking process that took place in both the Administrations that you can talk about?

They weighed the consequences of these actions; is that correct? And came to a different conclusion?

Mr. HADLEY. Congressman, that is a good question, and I am going to answer on the basis of my own imperfect recollection. And some of my colleagues may have a different view.

I do not remember the issue of taking out Soleimani coming to the formal NSC process. I know that General Stan McChrystal, in the winter issue of Foreign Policy, has said that in January 2007 he was monitoring a convoy in which he believed Soleimani was present, and he contemplated taking him out at that point in time, decided not to do so.

Again, my colleagues may disagree; I am not aware that that had came to the White House either before, during, or after that decision. It was an operational decision.

So we did not have, so far as I can recall, formal consideration.

Mr. BERA. And, Ms. Haines, what about the Obama Administration?

Ms. HAINES. Yes. Thank you, Congressman. In the Obama Administration—and, again, also with my personal recollection—there was not a particular decision teed up in the formal process, whether we should take action or not in a particular scenario.

But, certainly, the question of Soleimani was much discussed, and the IRGC was much discussed, and so on. And I think, in general, the consequences of an action like that, as you say, would have to go through an enormous process, and certainly was one that we were thinking through, like what are the pros and cons?

I think the fact that, you know, you have the ability to do it is not enough. I think the question is whether or not it actually is a wise decision.

Mr. BERA. And if I just play off of that, had the Iranians—had their ballistic missiles landed and killed multiple American troops, we would have been compelled to have to counter response; is that——

Ms. HAINES. Absolutely.

Mr. BERA. And there was that possibility of an Iranian counter response. So while I am happy we find ourselves in a place where dialog is possible, and de-escalation is possible, it was entirely possible a different outcome could have happened here.

And many of us, as we saw the missiles in the air, and the tapes of these missiles, you know, were waiting to understand what actually happened. And I think many of us—and the American people—were concerned that we were about to go into another war. Is that an accurate—is that how you felt as you were watching the——

Ms. HAINES. Yes, absolutely. I mean, I think the point is, I do not think any of us question whether or not a response is appropriate. I think the question is: how do you design the response to be best fit within the strategy that you are dealing with and to keep the American people safe more generally? And that is the question that I suspect many people have concern about with respect to this strike.

Mr. BERA. And again, just as a final statement, our country is better served when the Administration and Congress are working together, having dialog, even if we disagree. We can disagree behind closed doors in confidence. But when we step out there, especially if we are on a path to war, confrontation, we are better served if we are working together and there is dialog between the Administration and Congress. And that did not happen in this particular case.

Ms. HAINES. I fully agree.

Chairman ENGEL. Thank you.

Mr. ZELDIN.

Mr. ZELDIN. Thank you, Mr. Chair. First off, it is important that the decision—to note that the decision to strike Qasem Soleimani was a product of a joint decisionmaking process.

First off, I want to thank all of the witnesses who are here. We have a lot of service-represented national security advisors, CIA, and State, and I just want to thank all of you for your distinguished service to our country.

The intelligence community, DoD, State Department, all concluded there was an imminent threat. Do any of the witnesses here dispute the conclusions of all of these different agencies?

Dr. HAASS. Two things, sir. I have——

Mr. HADLEY. I do not.

Dr. HAASS. I have not seen a clear case that there was an imminent threat, and I am not seeing clear evidence that everyone agrees there was an imminent threat. So I will just say that. I have not seen anything that would allow me to judge that there was.

Mr. ZELDIN. So you are disputing the positions of Intel, DoD, and State?

Dr. HAASS. The short answer is I have not seen evidence published. I cannot confirm it. I cannot support it because I have not seen the evidence.

Mr. ZELDIN. OK. Have you seen the IRGC statement that was put out after the killing of Qasem Soleimani?

Ms. HAINES. I am not sure which one you are referring to.

Mr. ZELDIN. There was a statement the IRGC put out right after the killing of Soleimani. Does anybody speak Farsi? I do not. I just did not know the answer to that question.

So the IRGC did put out a statement. I request unanimous consent to offer it into the record. Mr. Chair?

Chairman ENGEL. Yes. Without objection.

[The information referred to follows:]

بیانیه جدید سپاه در پی شهادت سپهبد سلیمانی: انتقام سخت خونهای به‌ناحق ریخته‌شده را می‌گیریم

سپاه پاسداران در بیانیه‌ای با تبریک و تسلیت شهادت سپهبد شهید قاسم سلیمانی و شهدای جنایت اخیر آمریکایی‌ها در بغداد، بر تداوم راه این شهید والامقام و انتقام سخت خونهای به‌ناحق ریخته‌شده از جنایتکاران تأکید کرد.

۱۳ دی ۱۳۹۸ - ۱۴:۲۶ | سیاسی | نظامی | دفاعی | امنیتی |

به گزارش گروه دفاعی خبرگزاری تسنیم، سپاه پاسداران انقلاب اسلامی در بیانیه‌ای با تبریک و تسلیت شهادت سپهبد شهید حاج قاسم سلیمانی و شهدای جنایت اخیر آمریکایی‌ها در بغداد، بر تداوم راه این شهید والامقام و انتقام سخت ازجنایتکاران تاکید و تصریح کرده است: سردار سلیمانی نه تنها یک شخص، بلکه باور و مکتبی تمام نشدنی است و از این پس جلوه‌گری‌های معنادارتر آن را در جغرافیای سلطه و حضور نامشروع و اشغالگرانه خود در اقصی نقاط عالم تجربه خواهند کرد .

متن بیانیه سپاه به این شرح است:

بسم الله الرحمن الرحیم

با گذشت 41 سال از پیروزی انقلاب شکوهمند اسلامی برغم توطئه‌ها، فتنه آفرینی‌ها، بحران سازی‌ها، نیرنگ‌ها، ترفندها و عملیاتی کردن پروژه‌های متعدد جبهه دشمن به ویژه رژیم جنایتکار و تروریستی ایالات متحده امریکا علیه جمهوری اسلامی و ملت ایران ، از جمله طراحی و اجرای جنگ‌های نیابتی و تروریسم تکفیری و هدف قرار دادن فرماندهان و رزمندگان غیور و فداکار جبهه مقاومت ، انقلاب اسلامی و ملت عظیم الشان ایران و جریان مقاومت اسلامی پر فروغ تر و پویا تر از هر مقطع تاریخی به سمت آرمان‌های بلند تمدن‌ساز خود پیش می رود و دشمنان را مبهوت عظمت و اقتدار خود می‌سازد.

در شرایطی که دشمنان متکثر و خبیث امت اسلامی با شکست‌های پی‌درپی و زنجیره‌ای در منطقه راهبردی غرب آسیا، ناامید و مستاصل در پی ارتکاب هر جنایت و توطئه‌ای برای نجات از باتلاق خود ساخته هستند، در بامداد امروز جمعه (13 دیماه 98)جهان بشریت از جمله امت اسلامی شاهد جنایت حمله هوایی نیروهای متجاوز و تروریستی امریکا به خودروی حامل سردار حاج قاسم سلیمانی، همراهان و جمعی از فرماندهان حشدالشعبی عراق از جمله مجاهد بزرگ ابومهدی المهندس- که برای برنامه ریزی مقابله با توطئه جدید آمریکایی‌ها در احیای داعش و گروهک‌های تکفیری و برهم زدن مجدد امنیت عراق، در حال عزیمت به مقر مورد نظر بودند_ و شهادت افتخارآمیز آنان بود.

به فضل الهی شهادت سرباز ولایت و امت اسلامی، حاج قاسم سلیمانی و دیگر فرزندان تربیت یافته در مکتب ولایت فقیه و مقاومت اسلامی ،بر خلاف نیت و غایت این اقدام شوم ،فصل نوین و گشاینده جبهه های جدیدی در روند مقاومت ضد صهیونیستی و مقابله با تروریست‌های متجاوز و اشغالگر امریکایی در منطقه خواهد شد.

این سردار محبوب ، مجاهد نستوه، فرمانده مقتدر و سرباز پاکباخته ولایت و عاشق امت اسلامی و ملت ایران، عمر پر برکت خود را در مسیر اعتلای اسلام عزیز و پاسداری از حریم قرآن و عترت و دفاع از امنیت ، منافع و مصالح ملی سپری کرد و به عنوان مصداق جامع و کامل "مجاهد فی سبیل الله" ، نقش‌آفرینی‌های افتخار آمیز و ماندگاری در این صراط مستقیم برای همیشه این سرزمین به ودیعت نهاد تا

الهام‌بخش نسل‌های امروز و فردای جامعه اسلامی قرار گیرد.

سپاه پاسداران انقلاب اسلامی به ولی امر مسلمین، آحاد امت اسلامی بویژه ملت شهید پرور و حماسه ساز ایران و رزمندگان جبهه مقاومت اسلامی و ضد صهیونیستی منطقه اطمینان می‌دهد با انتقام سخت خون های پاک و به ناحق ریخته شده این شهیدان والامقام از جنایتکاران، راه سپهبد شهید حاج قاسم سلیمانی توسط همرزمان آن عزیز در این نهاد انقلابی و مردمی با قوت بیشتری ادامه خواهد یافت و جبهه مقاومت اسلامی نیز مصمم تر از گذشته آرمان‌های بلند او را دنبال خواهد کرد و به دشمنان امت اسلامی به ویژه دولت شرور و تروریست پرور آمریکا و رژیم جعلی و منفور صهیونیستی یادآوری می‌کند: سردار سلیمانی نه تنها یک شخص، بلکه باور و مکتبی تمام نشدنی است و از این پس جلوه‌گری های معنادارتر آن را در جغرافیای سلطه و حضور نامشروع و اشغالگرانه خود در اقصی نقاط عالم تجربه خواهند کرد .

به ارواح تابناک این شهیدان گرانقدر و تاریخ‌ساز درود می‌فرستیم و با عرض تبریک و تسلیت به پیشگاه مقدس حضرت بقیه الله الاعظم (روحی له الفدا) و نایب بر حقش مقام معظم رهبری و فرماندهی کل قوا حضرت امام خامنه‌ای(مدظله العالی)، آحاد امت اسلامی و خانواده‌های معظم و سرافراز آنان، از اقشار مختلف ملت قدر شناس و فهیم ایران اسلامی برای حضور حماسی و باشکوه در آیین‌های استقبال، تشییع، خاکسپاری و تکریم و ترحیم سپهبد شهید حاج قاسم سلیمانی و دیگر شهدای جنایت اخیر آمریکایی‌ها در بغداد، که متعاقباً اعلام خواهد شد، دعوت به عمل می‌آید.

سپاه پاسداران انقلاب اسلامی

13 دی ماه 1398

انتهای پیام/

Mr. ZELDIN. The IRGC's statement—and I mentioned this on the floor during debate last week, as well as through social media and other interviews—but most importantly on the floor, and I am going to do it again during this hearing—the IRGC's statement after the killing of Qasem Soleimani says that Soleimani was in Iraq when he was killed to confront Americans.

So for anyone who has the position that there is not a shred of evidence that there was an imminent threat, let's start off with the IRGC's own words of why Qasem Soleimani was in Iraq. In the IRGC's words, he was there for a confrontation with Americans.

Open sourced information is enough to determine that it was legitimate to take out Qasem Soleimani, a designated terrorist who is running a designated terrorist organization, who is being sanctioned by the United States, the EU, the United Nations. He had already killed over 600 U.S. troops. He had wounded thousands more.

We had just had the embassy attack right before that strike. We just had the killing and wounding of Americans, just before that strike.

In my opinion, when I hear someone of my colleagues, including the speaker, say that it was disproportionate to take out Qasem Soleimani, I ask the question: at what point is it proportionate? How many more Americans would have to be killed in order for it to be proportionate? How many thousands of more troops would have to be wounded in order for it to be proportionate?

And I would also note, in correcting the record—I mean, I do not know if anyone has an answer. I mean, we could call it a rhetorical question. But at what point would—I do not know if any—do any of you have the position that it was disproportionate?

Ms. HAINES. I think there are a number of things that you just said. One is, just to be clear, because I think sometimes this gets said publicly, the fact that you are a designated terrorist for purposes of sanctions does not provide authority to take action, lethal action certainly, against that individual.

There is sort of a domestic legal analysis and then an international legal analysis that has to occur. And, obviously, as a Member of Congress, you also get concerned about whether or not Congress needed to have authorized the action, essentially, and——

Mr. ZELDIN. Well, I have a limited amount of time, so let me ask you a followup question on that. Did President Obama have the authority to conduct the drone strikes in 2011 in Libya targeting Qaddafi?

Ms. HAINES. Yes. The Department of Justice has, over the years, essentially concluded that the President has the authority and the power to take action under the Constitution, where there is an important national interest to protect for the United States, without congressional authorization, but you provide a war powers report. If you remain in hostilities for 60 days, then essentially Congress has to authorize it or you bring your forces home.

Mr. ZELDIN. I appreciate that. It is also important to note that President Obama is—the Obama Administration, their legal justification was under the AUMF.

Ms. HAINES. No.

Mr. ZELDIN. Ma'am, I am sure that—I mean, we are not going to—I have a limited amount of time, but I will be happy to talk to you offline or show you any products that were put out by the Administration.

With my limited time, I just want to say to the Iranian protesters who are out there right now, who want prosperity, stability, freedom, they want a better way of life, there are many here who are watching in the U.S. Congress, in the United States, you know, wishing them the best, wanting a better future with vision and hopes for their nation.

So for all of those Iranian protesters who are out there right now in search of a better future, we are watching, we are praying, and wish it works out in the best for you, and want to be supportive however is appropriate.

I yield back.

Chairman ENGEL. Thank you.

Mr. ESPAILLAT.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Thank you, witnesses, for being here.

Mr. Chairman, I first want to express my disappointment that Secretary of State Mike Pompeo is now here today to answer substantive questions that we have regarding this particular issue. He is here where he comes every year for budget issues, as I am sure he will be coming around in a couple of months, and we have been very supportive of increasing the budget for the State Department.

In fact, while facing dramatic cuts, we had a bipartisan effort to ensure that the State Department continues to be funded robustly. And so I am disappointed that he is not here to answer any questions.

But I want to say that, although I was not here when the JCPOA was adopted, I recognize that in fact it was not fully—a fully strong document, but it was a good beginning. It certainly did not have anything regarding fighting, ensuring that Iran funds some bad actors in the world or that it steps away from its interballistic missile program, but it was a start.

And what I hear from the inspectors is that, in fact, they complied with most of the provisions of that, if not all of the provisions, of that agreement.

So my question is to you individually, and this is a yes or no answer question, is whether or not you feel that you have gathered enough information or evidence that—from the inspectors or otherwise, that you feel that Iran complied with the provisions established by the JCPOA.

Mr. Haass, do you feel that they comply? Yes or no.

Dr. HAASS. Based on everything I have read, the international inspectors made the case that Iran was in compliance.

Mr. ESPAILLAT. Ms. Haines.

Ms. HAINES. Yes. Same.

Mr. ESPAILLAT. Mr. Hadley.

Mr. HADLEY. So far as I know, yes.

Mr. ESPAILLAT. OK. So do you feel that the region now, our allies in the region, are safer now today than they were after the signing of the agreement?

Mr. Haass.

Dr. HAASS. Whether our allies are safer than they were?

Mr. ESPAILLAT. The region and our allies in the region, yes, Israel, other allies that we have in the region, and the region itself; is it safer now than it was after the signing of the agreement?

Dr. HAASS. In terms of the nuclear threat from Iran?

Mr. ESPAILLAT. In general. Including the nuclear threat.

Dr. HAASS. In general, I would say the region has continued to deteriorate. So I think most of the countries and people of the Middle East are less safe than they were 5 years ago for a host of reasons.

Mr. ESPAILLAT. OK. Ms. Haines.

Ms. HAINES. Yes. I have nothing to add.

Mr. ESPAILLAT. Mr. Hadley.

Mr. HADLEY. They are less safe, overwhelmingly, because of Iran's destabilizing activities.

Mr. ESPAILLAT. Well, do you think that the deterioration or the destabilization of Iran to some degree had some connection with this Administration ripping up the agreement, the JCPOA?

Mr. HADLEY. No. I think as—as I think one of the members said, their destabilizing activities were ongoing before the JCPOA and, if anything, they stepped up after the JCPOA, long before President Trump decided to withdraw in 2018.

Mr. ESPAILLAT. Let me just say that I also think that, in fact, it was a good start. I am not arguing that things could have not gotten better, including that aspect of our discussion, but it was a great start. And to rip it up and sort of like go to ground zero and start again—and throwing our allies under the bus, we assembled one of the most impressive coalitions of foreign governments to fully back this agreement, and we walked out on them, and we threw them under the bus. I do not think that we are going to be able to assemble them again for any significant operation.

Do you think that we can assemble them again, Mr. Haass?

Dr. HAASS. I think so and I hope so. I am not nearly as pessimistic as you there and, again, today's report suggests that the allies are not walking away from the need to work together to contend with the——

Let me say in 30 seconds very quickly, Congressman, I think it is possible to have doubts about the JCPOA, to see it in some way as flawed, at the same time to be critical of the administration for having exited it unilaterally.

I think it is possible to manage both thoughts simultaneously.

Mr. ESPAILLAT. Ms. Haines.

Ms. HAINES. Thank you.

I think the one thing that I would like to add is that I am aware of a moment of disagreement with Mr. Hadley. I really do believe that Iran's destabilizing activities increased measurably after President Trump withdrew from the agreement and began to exercise his maximum pressure campaign and, largely, because there really was not that diplomatic offramp and this was a way for Iran to respond.

Mr. ESPAILLAT. Thank you, Mr. Chairman. I just want to conclude my statement.

I am cautiously optimistic. Thank you.

Chairman ENGEL. Thank you, Mr. Espaillat.

Mr. Mast.

Mr. MAST. Thank you, Mr. Chairman.

I think there has been three fundamental questions that have been posed by many on both sides on the panel and that was was it wise, was it imminent, and was it a choice.

And I want to talk about all those three things maybe in a euphemism or a comparison. I look at Soleimani as a terrorist nest—as a terrorist machine gun nest, really.

He has been spraying rounds at the U.S. for many years on many different fronts. So if I look at him like a terrorist machine gun nest and I ask myself, No. 1, is it a choice to take that nest out.

This is something I have very specific experience with on the theaters of war and on our battlefields. Yes, it is a choice to take that out all day long.

But it is not really a choice when you consider that if you leave that there, walk around it, ignore it that somebody else is going to come across that nest eventually and they are going to get shot at.

You want to ask is it wise. Well, I think it probably always defies conventional wisdom to go out there and attack a machine gun nest. But that does not mean that it does not have to be done.

And then you want to ask is it imminent. Well, just because this machine gun nest might be taking a moment to reload that does not mean that it's not an imminent threat.

It just got done firing rounds over at our embassy. Over the last number of years they have been working to attack our service members time and time again.

Just because it was taking a breather to reload that did not mean it was not an imminent threat because it was not literally pushing the button on something.

Now I want to question—ask a question. Some people might call this rhetorical but I am not going to ask it as rhetorical.

There is a number of my colleagues still remaining here. I am more than willing to yield to any of my colleagues that want to answer this question.

If you walk out this hallway and you take a right and another right and another right, you are going to come to several beautiful walls that have the names of our fallen service members from the war on terror.

And I would ask can any of you provide me one name on that wall that does not justify killing Soleimani?

I got 2 minutes and 30 seconds. I will be more than happy to sit here and wait. Somebody provide me with a name on that wall that does not justify his killing.

[Pause.]

Chairman ENGEL. The gentleman may continue.

Mr. MAST. I am continuing, Mr. Chairman. I got 2 minutes remaining. I will sit here and wait for somebody to provide me with a name on that wall that does not justify the killing of Soleimani.

[Pause.]

Chairman ENGEL. Thank you, Mr. Mast. I think you have made your point.

Mr. Phillips.

Mr. MAST. Mr. Chairman, I have not yielded back my time and I still have a minute and 45 seconds remaining.

Chairman ENGEL. You are disrupting—you are disrupting the procedures right now.

Mr. MAST. I will not yield back my time, Mr. Chairman.

Chairman ENGEL. You are disrupting the procedures, Mr. Mast.

Mr. MAST. I have a minute and 45 seconds remaining of which I would like to wait for somebody to provide me with a name of somebody on our Memorial Wall——

Chairman ENGEL. I think you have—I think you have made your point.

Mr. MAST [continuing]. Who does not justify the killing——

Chairman ENGEL. You are out of order, Mr. Mast.

Mr. MAST [continuing]. Of Soleimani.

Chairman ENGEL. You are out of order. You are out of order, Mr. Mast. You have made your point.

Mr. MAST. I will not yield back my time. I will not yield back my time. I am not out of order. You are out of order, Mr. Chairman, for reclaiming this time.

Mr. PHILLIPS. Mr. Chair? Mr. Chair?

Mr. Chair, I will yield a minute—Mr. Chair, I will yield a minute of my time to Mr. Mast.

Chairman ENGEL. Well, he has got time.

Mr. MAST. Thank you. Thank you, my colleague. I appreciate it.

[Pause.]

Mr. PHILLIPS. Mr. Chair, if I might begin.

Mr. MAST. Thank you for yielding me your time, although I did not yield my time back. I thank you.

I will note that there was no response of one name offered that did not justify the killing of Soleimani.

Mr. PHILLIPS. Thank you, Mr. Chair.

And thank you, Mr. Mast. I am grateful that you took that time because you humanize an issue that all too often is not, and having just returned from the Arabian Gulf visiting bases with many of my colleagues sitting in here right now—Mr. Zeldin, Mr. Fitzpatrick, Mr. Cicilline—I come to you and to this hearing with everybody with whom we met on those bases on my mind.

I want to start by echoing my colleague's disappointment in the fact that Secretary Pompeo chose not to come today. I say that not politically but from a governance perspective.

And I have appreciated today's debate and conversation. I think good arguments have been made on both sides. But I do not want to cover the same ground. I want to talk about something that I think we have to and that is our authorizations—our AUMFs.

We, of course, have two in effect right now, the 2001 and 2002, and I want to ask each of you if you believe, in light of the current circumstances in the Middle East and in the Gulf region, if it is time to craft a new AUMF and, if so, how should we do so?

What should its components be and how might we begin looking at that?

Dr. Haass, if you might begin.

Dr. HAASS. The honest answer is I have not thought it completely through. But I am increasingly inclined in the direction of yes, that ones that simply deal with threats from terrorism or, ob-

viously, Iraq are inadequate and we have already discussed here today two scenarios involving Iran.

One is the possibility that Iran breaks out significantly from the 2015 JCPOA and we are faced with a consequential decision whether to undertake classical preventive military strike.

The other is to deal with situations where Iran continues to attack its neighbors or continues to attack U.S. individuals or forces through using whatever set of tools and we decide it is important to retaliate.

So we do not need an AUMF, just to be clear, for situations where imminence is in play.

Mr. PHILLIPS. Of course.

Dr. HAASS. That is the right of self-defense. So let's take that off the board.

So the real question is whether we would need an AUMF, and I increasingly think yes in terms—just because of the nuclear situation.

I think it sends some useful messages to Iran about our collective preparedness. I do not think war powers is adequate because war powers gives the administration—war powers is the wrong approach for two reasons.

One, it allows the administration to attack unilaterally, and then it raises questions about our staying power. So I think war powers is counterproductive for both reasons.

I do think, though, that it would be very smart that if an AUMF were passed that it be effectively coupled or passed simultaneously with the introduction of a new diplomatic initiative.

I think the two could very much go hand in hand. That is my tentative thinking. But I think you raise a big question and a good one.

Mr. PHILLIPS. Thank you, sir.

Ms. Haines.

Ms. HAINES. Thank you, Congressman.

I do think this is a critical issue and the sort of opportunity for Congress to get more involved in shaping what in fact the authority for the use of force abroad is critical, in my view.

I think as an initial matter I think you should be replacing the 2001 AUMF that relates to counterterrorism.

I think it is time for that to be updated and to be consistent with how Congress believes the administration and successive administrations should, in fact, prosecute that conflict.

I think that the Iraq AUMF—the 2002 Iraq AUMF—should be repealed. That is something that we voiced our support for in the Obama Administration and the president then called for.

I am not aware of any military operations that have to rely on that AUMF, and I think this question of what should be the authorization to use military force against Iran, if at all, is one that, in many respects, it seemed to me that your concurrent resolution passed recently—the Slotkin resolution—is one that sort of lays out what you view to be the situation right now and does so quite eloquently in the context of the current crisis, in a sense, with Iran.

So I would support seeing that come to a vote but taking further action on the existing AUMFs and expanding. Thank you.

Mr. PHILLIPS. Thank you. I have got about 15 seconds, Mr. Hadley.

Mr. HADLEY. There are new circumstances. There are new contingencies. If you could get agreement on AUMF it would provide a firmer foundation for action if it was required.

There is an awful lot of confusion here. This whole issue about imminent attack is not an issue about the president's constitutional authority, which is much broader than that.

It really comes as a function of international law. I do not know why it is so front and center the way it is, and I would say the AUMF has to, in that process, be careful that not only vindicating congressional authorities but providing enough flexibility for the President to act.

And to say the President could only act, for example, under the basis of American—an attack on America or an imminent attack is much too narrow and would, I think, be real folly.

Mr. PHILLIPS. Thank you, sir.

I yield back.

Chairman ENGEL. Thank you.

Mr. Fitzpatrick.

Mr. FITZPATRICK. Thank you, Mr. Chairman. Thank you all for your service. Thank you for being here today.

Regarding the JCPOA, would you or would you not agree that for such an agreement to work the signatories to that agreement, the members of that agreement, must be telling the truth and acting in good faith?

Mr. Haass.

Dr. HAASS. It sounds like the—I must be missing something. Is that—would that be different than any other international agreement?

Mr. FITZPATRICK. I am just saying for this one, in particular.

Dr. HAASS. Well, I mean——

Mr. FITZPATRICK. Do you believe that those two qualities must be present for an agreement for——

Dr. HAASS. Well, if I may quote Mr.—President Reagan, you trust but you verify.

I have no—I assume countries go into international agreements for any number of reasons. In some cases they may want to deceive. That is why there has to be adequate verification. I do not take anyone's word for it.

Mr. FITZPATRICK. But do you believe that we should assume in entering such an agreement that the signatories are acting in good faith?

Dr. HAASS. I would not assume that. That is why I believe verification and monitoring are essential.

Mr. FITZPATRICK. Ms. Haines.

Ms. HAINES. Yes. I mean, I think as Dr. Haass is reflecting, in many agreements, for example, in the context of arms control—and the JCPOA is no different—the fact is you do not trust the partner across the table from you, in a sense.

You are trying to construct a regime that gives you the confidence nevertheless to take certain actions in order to manage a threat.

Mr. FITZPATRICK. Mr. Hadley.

Mr. HADLEY. I have nothing to add.

Mr. FITZPATRICK. What I am getting at here to the panel, do you believe that the Iranian regime tells the truth and acts in good faith?

Dr. HAASS. This agreement—they complied with it. I do not believe, however, in any way they gave up their long-term goal of preserving the option to develop a nuclear weapons capability. So they——

Mr. FITZPATRICK. Will that be a yes or a no, sir?

Dr. HAASS. Well, Congressman, not every question lends itself to a yes or no. They were complying with the letter of the agreement. I do think Iran was preserving its nuclear weapons options.

Ms. HAINES. I think the whole construct around the JCPOA is to avoid the situation in which you have to rely on simply a statement from the Iranian government that says, we are complying.

We actually created the verification monitoring regime just to deal with that issue and to provide us with greater insight so that we could credibly judge for ourselves whether or not compliance was occurring and rely on additional third parties like the IAEA to tell us.

Mr. HADLEY. I think because there was so little trust in the Iranian regime that is why a lot of Members of Congress and others thought that the JCPOA was not adequate, because it did not push off or totally eliminate the option of Iran to have a nuclear weapon.

Mr. FITZPATRICK. So with the isolated kinetic strikes that took out Osama bin Laden, Abu Bakr al-Baghdadi, Qasem Soleimani, does the panel—did the panel support and do you believe it was the right decision to make to conduct that raid on bin Laden, on Abu Bakr al-Baghdadi—two leaders of ISIS?

Dr. HAASS. I would argue yes.

Ms. HAINES. Yes. I think these are very distinguishable circumstances. Thank you.

Mr. HADLEY. Yes.

Mr. FITZPATRICK. And how are they distinguishable, Ms. Haines?

Ms. HAINES. Sure. So in the context of, for example, Osama bin Laden, the head of a terrorist organization that we were at war with and that we had, in fact, an authorization to use military force against, the United States took action.

I do not think that was a surprise to anybody. I do not think that it created a circumstance in which we were taking on a new war, for example, against a whole another nation state.

Mr. FITZPATRICK. Do you believe Mr. Soleimani is the head of a terrorist organization?

Ms. HAINES. I believe that Qasem Soleimani supported and engaged in terrorist action and there is absolutely no question about that, and I do not have any—look as I said in my testimony, as I repeated and I think as others have as well, I think he deserved his fate. I do not think that is the issue. I do not mourn the loss of Soleimani.

I think the issue is that in every circumstance when you are using the awesome military force of the United States and you are engaging in these issues, you have to do so as part of a strategy.

And the question always occurs is this the right target—is this the right action to be taking in this context. And I think, you know,

as I have already identified a whole series of consequences that I believe were actually undermined the overall objectives that both prior administration and this administration have.

Mr. FITZPATRICK. Mr. Chairman, I have other questions but I want to yield my remaining 30 seconds to my colleague, Mr. Zeldin.

Mr. ZELDIN. I will let——

Chairman ENGEL. Yes, go——

Mr. ZELDIN. I will yield back, Mr. Chairman.

Mr. FITZPATRICK. Mr. Chairman, I yield.

Chairman ENGEL. Yield back.

OK. The gentleman yields back.

Ms. Omar.

Ms. OMAR. Thank you, Chairman. Thank you to the panel.

With running between committees it is really hard to be here and to hear many of the questions and the testimony that you all gave. Sorry if this question has already been asked and if you all have given an input to this.

But, Dr. Haass, I know that you have been somewhat critical of the JCPOA. Your perspective is that it is too short term. And so I am wondering what should a deal look like.

Dr. HAASS. I think it is important to be clear about what a deal could realistically include and what it could not. I think it could include longer-term limits, ideally open-ended limits. I do not see why Iran should have the right to get close to developing a nuclear weapon in 50 years or 75 years.

So I would prefer open-ended efforts. But if not that, many decades. I think it should include ballistic missiles. What I think—I think it should be verifiable.

I think it has to involve sanctions relief and I think, though, that other aspects of Iranian behavior in the region should be dealt with other ways.

I do not think it is realistic to build a quote, unquote, "grand bargain" that would resolve all of our concerns with Iran. In my experience, all or nothing diplomacy tends to yield nothing.

Ms. OMAR. I appreciate that answer.

And so to you and maybe to the rest of the panel, I am wondering why would Iran, after we unilaterally left the JCPOA, assassinated Soleimani, destroyed their economy with our sanctions, threatened to bomb their cultural sites, why would they be willing to enter into a better deal with us at this moment?

Dr. HAASS. The reason they might is, as you know, governing is about choices. The economic sanctions are having a significant toll. They could conceivably threaten the viability of the government and the revolution.

So I would think that if Iran is offered significant sanctions relief that might be something that they would countenance.

They say they do not want nuclear weapons so we are not—ought not to change that. So I think the question is if we can present them with a choice I would not rule out one other thing.

I think we probably would need to have it voted on by the Congress. They would need to know that the next deal is not something that this or any President could unilaterally overturn.

I would think they would want to have the confidence that was truly embedded in the policy of the United States.

Ms. HAINES. Thank you, Congresswoman.

I guess from my perspective, I continue to hope that there is an opportunity for negotiations and diplomacy, and I think we do need to invest in that and I have indicated that that's one of my recommendations, moving forward.

I think it is very unlikely that we are going to see the Trump Administration capable of bringing the Iranians to the table and negotiating a deal like that. I think that is a reality and I—you know, unfortunate as that is.

Ms. OMAR. Mr. Hadley, did you have anything to add?

Mr. HADLEY. I am a little more optimistic than my good friend, Avril Haines, is and I think Richard Haass said it very well and I subscribe to his comments.

Ms. OMAR. Well, I appreciate your insights and it is, I think, quite fascinating to hear that you all think critical sanctions relief package would be on the table for Iran if it was to reengage more significant than that was part of the JCPOA? I am sure that that is excellent.

And it seems as if there are opportunities to negotiate. So I hope that cooler heads prevail and that we deploy diplomacy and look at using many of the tools that we have in our toolbox, because what is happening right now in the ways that things have escalated it is not going to make us safer and it is not going to alleviate the economic burdens that the civilians of Iran are facing at the moment.

Thank you, and I yield back.

Chairman ENGEL. Thank you.

Mrs. Wagner.

Mrs. WAGNER. Thank you, Mr. Chairman. Over here.

Two weeks ago, President Trump ended Qasem Soleimani's brutal reign of terror that killed and maimed countless Americans and coalition forces and threatened many, many more to come.

I urge all Americans to unite behind the President's defensive decision to strike one of the world's most powerful terrorist who was organizing against—organizing attacks against Americans in Iraq in defiance, I might add, of U.N. Security Council Resolution 2231.

He should not even have been in Iraq. Should not have been in Beirut. Should not have been in Damascus.

For far too long, Tehran has been permitted to act with impunity against U.S. allies' interests and its personnel. I applaud the President for making our red lines clear.

Clear to the Iranian regime that attacking Americans is never acceptable and when American lives hang in the balance, Iran will be held to account for its actions.

The Middle East is a safer place when the United States is clear and consistent in its intentions.

Mr. Hadley, to what degree are Iran's proxies dependent on Tehran for financial, material, and technical assistance and how successful has the United States been in preventing Iran from providing significant support to these proxy groups?

Mr. HADLEY. I am not privy to intelligence anymore and have not been for a long time on these subjects. My understanding is that the economic pressure that Iran is now under has resulted in some diminishment of the resources that are available to these groups.

I think, for example, Nasrallah, who is head of Hezbollah, has actually complained that he does not have enough resources for his activities.

So I think it is having effect based on what I have read in public sources. But I do not have the kind of intelligence sources available to me that would allow me to give you a better answer to that question.

Mrs. WAGNER. Well, I thank you. They have clearly gone through the $150 billion plus that were sent over by the Obama Administration strapped to pallets to be used for these proxies to kill people around the globe, including our American allies and assets.

After the Iranian regime admitted that it shot down Ukrainian International Airlines Flight 752, tragically killing 176 passengers, and I know it has been discussed here at length, protests did erupt across the country.

Mr. Hadley, how are these protests connected, do you think, to the pro-democracy pro—economic reformed demonstrations of the last few years and do you think that this public outrage will constrain Iran's foreign policy? Can it be constrained?

Mr. HADLEY. It has been interesting to see how many demonstrations there have been in the last 2 years of people demanding accountability from their government's ending of corruption, less sectarianism, governments that actually perform.

You have seen it in Algeria. You have seen it in Sudan. You have seen it in Lebanon. You have seen it in Iraq. You have seen it in Iran, a lot of other places in the Middle East.

This is a positive thing and I think it is one of the sources of leverage on the Iranian regime that may make them willing to come to the table and negotiate an outcome.

Because they put down the demonstrations in October and November only by a fairly brutal use of force, and I think they are worried that the additional sanctions will kindle a return to those kinds of demonstrations that could threaten the regime and is a threat to the regime, as Richard Haass said, that might bring them to the table for negotiations.

Mrs. WAGNER. I absolutely agree, and that is why I also share your bullishness on the opportunity that we have at this moment of time to bring Iran to the table for further negotiations, more now than ever, and these protests and the public outrage I think could really have an effect as we go forward in foreign policy and such.

So there were reports that indicated that Iran has worked to reduce internet connectivity near universities, hot spots, limiting the impact of these protests.

How vulnerable is the regime to information operations and how should the U.S. be using information to target the regime's weaknesses and empower this change?

Mr. Hadley.

Mr. HADLEY. Well, they have cutoff the internet to keep demonstrators from organizing as a part of their suppression of public demonstrations, clearly.

Our best information operation has always been truth and trying to get it to the people in these closed societies because what is really the toxic element for them is actually truth about what is happening in the world, and I think we have not done as good a job

as we should in getting truth available to people in these totalitarian or authoritarian societies.

Mrs. WAGNER. I agree. My time has expired.

I shall yield back. But here is to the truth and the Iranian people.

Chairman ENGEL. Thank you.

Ms. Wild.

Ms. WILD. Thank you, Mr. Chairman.

Good afternoon. I would like to start with a question to you, Ms. Haines. Recently, I had the honor over the Christmas week of traveling to the Middle East and meeting with our troops, some of the extraordinary service members who put their lives on the line for us, and I have been thinking about those men and women an awful lot over the last couple of weeks.

Last week, the President said we must all work together toward making a deal with Iran that makes the world a safer and more peaceful place.

But then just this past Sunday he tweeted, I could not care less if they—the Iranians—negotiate.

We, in Congress, unfortunately, have been given little to no information about the administration's intelligence that they allegedly had before this strike on Soleimani.

So my question to you is in your assessment does the President and his administration have a clear strategy to actively reduce tensions between Iran and the United States and to prevent conflict?

Ms. HAINES. I think I was encouraged as you were by the idea that they are interested in negotiating something diplomatically.

I have to say—I mean, I have not seen anything that puts together a broader strategy that would actually be likely to result in the kind of negotiations that I could imagine, hopefully, happening in the future.

But, I mean, honestly, I do not know that I would know. I certainly hope that they do have something. But I hope also that they will share it if they do so that we can actually all participate in understanding it and pushing forward on it.

Ms. WILD. So I take it from your response that you have no greater information than we do here in Congress and, as a result, you would not be able to answer my followup question of whether the United States national security is stronger now than it was a few weeks ago?

Ms. HAINES. Yes. I mean, I have made a case in my testimony that it is not—that I think that the action that was taken really further undermines the objectives that at least have been articulated by this administration and are actually quite consistent with the prior administration's objectives for the region.

And I think it is unfortunate that we are in the place that we are and, obviously all of us need to come from here and try to make the best out of it that we possibly can.

But I do think we are less safe in many respects as a consequence.

Ms. WILD. Dr. Haass, I would like to ask you and, first, I would just like to state the obvious, I think, that while tensions between Iran and the United States revolve around many issues, none of

these issues are more consequential than the possibility of Iran obtaining a nuclear weapon. I think we can all agree on that.

In the aftermath of the strike on General Soleimani, Iran announced that it would no longer abide by the JCPOA restrictions on Iran's uranium enrichment activities as well as restrictions on further research and development that could contribute to building a nuclear weapons program.

And so my question to you is with this as context, has the strike made it more or less likely, or neither, that Iran will ultimately be able to develop a nuclear weapon?

Dr. HAASS. I am not avoiding your question. I think the answer is it is too soon to know that. I think the U.S. decision to exit the JCPOA set in motion a chain of events which explains where we are.

Because I cannot answer your question, I would say two things. One is we ought to be communicating to Iran certain red lines that would be the limits to our tolerance of what they might do and that would reflect our views, Israel's views, Arab views. We do not want Iran doing certain things.

Second, I do think we ought to put forward, as we discussed before, an initiative that would improve upon the JCPOA and put it forward in terms that might be actually not totally unattractive, conceivably even attractive to the Iranian government given the circumstances they find theirselves in.

I want to avoid a situation where we cannot answer your question, and what we fear and what could actually be is that Iran begins to reduce the time that would be available for intelligence agencies to discern exactly how far they are away.

If we ever reach that point where we simply do not know or it starts getting close, what I would call the near nuclear option, one, we will have a big debate, as will Israel, about whether to undertake a preventive military strike to Saudi Arabia, Turkey, Egypt, and others will begin to have their version of National Security Council meetings about whether they need to follow suit and develop nuclear weapons options of their own.

And as bad is the Middle East is right now, it does not take a whole lot of imagination to see how much worse that Middle East would be.

Ms. WILD. So you used the term red lines, and a few minutes ago my colleague, Mrs. Wagner, used that same term, and I just realized that I am out of time. I apologize, Mr. Chairman, and I withdraw the question.

Chairman ENGEL. Thank you. The gentlewoman withdraws the question.

Thank you.

Mr. Watkins.

Mr. WATKINS. Thank you, Mr. Chairman. Thanks to the panel for being here.

Couple of comments. I want to express my full and complete support of our President. I think President Trump has done an outstanding job transitioning from a strategy of appeasement to one of credible deterrence.

And I also want to express support and hope that we can muster solidarity behind the Iranian protestors. I spent many years work-

ing in Iraq and Afghanistan, and so from the perspective of both a military officer and a—former military officer and a defense contractor, I think that perspective and voice might be worth hearing.

When it comes to military operations, they need many things. But two things that they certainly need are speed and secrecy, or the ability to deliver in a clandestine nature.

This body is incapable of both of those—of either of those things. And so when it comes to if it were a just kill, I understand the importance of striking fast and striking hard, and the justice of killing Soleimani is without question.

If you were to ask me or a number of military personnel in Baghdad to strike a designated insurgent who is responsible for killing 600 of our brothers and sisters and they were headed down Route Irish, we would grab our guns and we would go kill him, and if that is wrong we would not want to be right, and it saddens me that we cannot rally behind that.

And over the mere fact that some of his compensation apparently came from the government of Iraq, I mean, think about that. That constitutes the fact that he was graded as an employee of a country. Well, he was the world's leading sponsor of terrorism.

So listen, nobody wants war, particularly the American soldier because he or she needs to fight in it. But I think I speak certainly for a lot of people that I knew when I said that the world is a safer place with one less insurgent in it and for that matter, when it comes to safety and the very nature of credible deterrence, when we are conducting operations you want other insurgents—you know that they can see you.

You want them to know that should anything happen to you, if they wanted to take the risk of striking you, then a Reaper drone is going to rain hellfire down on them.

And moreover, to those low-ranking foot soldier insurgents throughout the world, whatever country they are in—Syria or Lebanon or al-Anbar, Iraq, wherever—you want them to second guess their choices because if we could take our your general, we could sure as hell kill you.

So I would like to close on just reiterating my full and complete support of President Trump and his choice to go with a credible deterrent strategy and that is, in fact, the strategy.

I would like to say that I have heard Soleimani being described as a martyr. Martyr is somebody willing to die at the hands of an oppressor for his or her beliefs, not a ruthless killer. I appreciate that and, again, I want to voice support for the Iranian protestors.

God be with them.

Thank you, Mr. Chairman.

Sorry. I yield the balance of my time to Mr. Zeldin.

Mr. ZELDIN. I appreciate that. Thank you, Mr. Watkins.

Ms. Haines, we got rushed in our exchange there toward the end of my 5 minutes and were not able to do that important topic justice there at the end.

So the Obama Administration had air strikes in Libya in 2011 as well as after 2011. The final decisionmaking for that process for the strikes after 2011 were use of AUMF targeting ISIL.

The final decision in the air strikes in 2011 was under Article 2, correct?

Ms. HAINES. So the initial use of force in Libya that I thought you were referencing was not done under an authorization to use military force. It was done under Article 2.

As you indicated, there was a war powers report that was provided to the Congress and then there was, essentially, a discussion with the Congress on whether or not we continue to be in hostilities.

And then there were, after the fall of Gaddafi and further action in the context of Libya, there were—there was a shift, in a sense, of what the conflict was about and what the targets were and effectively what we were trying—the threat we were trying to address and some of it came under the 2001 AUMF, not just with respect to ISIS but al-Qaida and associated forces.

Mr. ZELDIN. OK. I just wanted to make sure we get on the same page. Thank you. I yield back.

Chairman ENGEL. Mr. Allred.

Mr. ALLRED. Thank you, Mr. Chairman.

I want to begin by expressing my disappointment that Secretary Pompeo is not here. With the shifting rationales that the American people have been given for this strike, I think it is important that we have a public viewing and discussion about what went into this.

And I think on this committee we are going to have to be very—as aggressive as necessary to make sure that we are able to perform our oversight function.

I want to thank the members of the panel for being here today. I know you probably had other things planned. We appreciate you making time.

I am worried that this action has made us less safe but I am also worried about the reputational damage that it has done.

For years, Democratic and Republican presidents have urged countries to avoid cultural and historical sites in wartime. It is against, of course, the laws of war and it is also morally wrong.

But just last week, of course, President Trump tweeted the U.S. may strike Iranian cultural sites if Iran escalated the conflict further.

Of course, the Department of Defense appeared to walk those comments back. Trump's remarks were widely publicized and, of course, widely criticized as well.

To each of you on the panel, I just want to ask you how do you think the people of the Middle East view those statements?

How does that impact our reputation in the region? How does that undermine our ability to reach any further agreements to try and deescalate?

Dr. Haass, do you want to go?

Dr. HAASS. As was implicit in your question, that, obviously, does not help.

Look, I think our reputation has taken a hit several ways here. One is the mention you had, sir, of the possibility of targeting cultural sites, which would also be inconsistent with what many of your colleagues have mentioned about our desire to side with the Iranian people. Going after cultural sites is not going to help us in that—in that undertaking.

I think also we have hurt ourselves a little bit on not being able to publicly back up the claim of imminence and that has, clearly,

hurt us in Iraq because it makes it much harder to justify what we did.

And all of this does not take place, shall we say, absent of context in the entire post-2003 inability to demonstrate the WMD link to Saddam.

So I think what we have done is created questions about our reputation and I think that we will pay a price for that.

Ms. HAINES. Thank you, Congressman, and particularly for bringing this issue up because I think from my perspective, I found that—I am somebody who believes very strongly in international law.

I spent most of my career working on international law and I think it serves American interests in enormous ways.

And to see the President tweet, essentially, what would be a war crime as something that we should do or could do or anything along those lines to also talk about disproportionate strikes, which is also not consistent with the law of war.

You know, to take a position like that is not just, I think, of concern to the region but also deeply depressing, frankly, for the folks in the U.S. Government who are frequently out—for example, our military—out training other militaries on what the law of war is and how it is that we should respect the law of war and the kinds of issues that we deal with.

And in the context of particularly targeting cultural property, which is, really, it is so much more than destroying, obviously, the bricks and mortar that you are destroying, but it is an attack on the identity, on the memory, on the dignity of a society.

And this is something that we spearheaded a lot of the international law on and we have a convention, the Hague Cultural Property Convention that we are a party to. We are also a party to one of the protocols.

It is something that we really celebrated in the United States in many respects as an issue that we should be promoting leadership on, and I found it very deeply depressing, frankly.

Mr. ALLRED. Thank you.

Mr. Hadley.

Mr. HADLEY. I think it was a mistake. As you know—as you indicated, the Department of Defense began to walk it back. I think Secretary Pompeo said any strikes in Iran would be against legal targets, which, of course, would rule out cultural sites.

So I think it was a mistake and I think—I would not expect to see the United States attacking cultural sites.

Mr. ALLRED. Well, I think we sometimes fall into the bad habit of pretending that the words of the President of the United States do not matter and that we can just have this debate as if those things were not said and as if we did not threaten a war crime in this region in which we know how long some of these words can echo.

I think the reason that the free world follows us and that despots and dictators fear us is because of our values, because of who we are and what the American flag and what our system of government and our values mean around the world.

When we undermine that, I think we do much, much more than any insurgent attack could do to us, much more damage than any

foreign country could do to us because they cannot defeat us militarily.

But we can undermine our own values abroad and it deeply worries me. I am glad that we are having this discussion today.

Chairman ENGEL. Thank you.

I want to acknowledge an old friend, Congressman Sheila Jackson Lee, who was a member of this committee for many years in olden days when I served on it.

So welcome back, Sheila. Good to see you.

We have a vote and what I could do is cut down everyone to 3 minutes to try to get in more people, if we can.

So let me start with Mr. Guest.

Mr. GUEST. Thank you, Mr. Chairman.

Dr. Haass, you—in your written testimony you do a great job of outlining some of the Iranian atrocities over the last 40 years, beginning with the 1979 embassy takeover, the 1983 bombing of the barracks in Beirut, the 1996 Khobar Tower bombings.

You also set forth recent aggression, including attacks on shipping in the Persian Gulf, the downing of an American drone, the launching of missiles that hit the Saudi oil installations, the sponsoring of militias that attack bases in Iraq, the killing of an American contractor, then the recent assault on the American embassy.

You go on further to say there is no doubt that Soleimani had the blood of Americans on his hand and was a force of instability in the region and you actually state that Soleimani was in fact, you say here, an evil person.

And then you go on at the end of Page 2 to talk about that the United States should have responded to recent Iranian attacks such as the one carried out against Saudi oil fields with attacks on Iranian economic and military assets.

What should the proper response should have been? It seems to me that you are stating here that the President's use of restraint actually emboldened Iranian aggression in the Middle East.

And so what would the proper response and what response should we have taken, particularly militarily? It seems to me economically that we have imposed as many sanctions that we can possibly impose and we could continue to impose sanctions from here til Hell freezes over and have no additional benefit to those.

So militarily what response should the United States have taken after the Saudi oil fields were attacked?

Dr. HAASS. Two things, sir.

One is I think we should have found an equivalent Iranian economic installation and I would have—I would have supported the idea of a attacking that.

Two, I think it sent a very bad message to the region that we would not respond to an attack on a close partner, like Saudi Arabia. I do not want to get—I never want to communicate the sense that they are essentially adrift and they—and they cannot count on it.

Third, I think it raises questions for you all and it gets back to the conversation we had previously about an AUMF that would provide a context for dealing with these kinds of acts of Iranian aggression.

Mr. GUEST. And, Ms. Haines, do you agree that the United States should have attacked Iran militarily after their assault on the Saudi oil fields?

Ms. HAINES. Yes, I think there should have been a response and my view is very similar to what you have described of Dr. Haass's view and as we contain here that essentially by not responding in a way it encouraged some response.

But the issue is, again, taking action to manage and to deter appropriately while trying to mitigate against the consequences that are additional to any action that you take.

Does that make sense?

Mr. GUEST. And so would both of you all then say that the President's use of restraint or great use of restraint you feel emboldened Iran to continue to attack American interests in the Middle East?

Dr. HAASS. Again, it is always hard to put yourself inside their heads. But my own take on it is yes, that they thought that they could act with a degree of impunity because they had gotten away with shooting down a drone, attacking shipping, attacking the Saudis.

I would expect there were people in Iran who basically say, we can do certain things and the chances of an American physical response are modest.

Chairman ENGEL. Thank you.

Mr. Levin.

Let me first say before Mr. Levin comes here, really interesting—it was just called to my attention that Secretary Pompeo does not have the time to come to this committee but while we are holding this hearing he did have time to go on Fox News.

Okay.

Mr. LEVIN. Thank you, Mr. Chairman.

Chairman ENGEL. Mr. Levin.

Mr. LEVIN. Thank you all for hanging in here with us.

Last weekend, National Security Advisor Robert O'Brien said the 2002 Iraq war authorization gave the administration the authority to launch the strike that killed Qasem Soleimani.

Here is the operative text of that authorization. The president is authorized to use the armed forces of the United States as he determines to be necessary and appropriate in order to, one, defend the national security of the United States against the continuing threats posed by Iraq, and two, enforce all relevant U.N. Security Council resolutions regarding Iraq.

I think that language is pretty clear and so did Defense Secretary Esper. During his Senate confirmation last year on July 16th before the Senate Armed Services Committee the secretary told Senator Duckworth that the 2001 and 2002 authorizations to use military force did not allow the use of military force against Iran. And yet, here we are.

Again, the 2002 Iraq war authorization allows the use of force to deal with the threat posed by Iraq. Not a threat necessarily in Iraq or emanating from Iraq but by Iraq.

Ms. Haines, do you agree that this does not authorize the use of force against Iran—the 2002 AUMF?

Ms. HAINES. Yes. I mean, to be simple, yes, I do not think it is authorized by the 2002 AUMF and I did hear the prior statements

by the administration to at least indicate that they also did not think that——

Mr. LEVIN. All right. Let me further ask you, if Congress fails to make clear that the 2002 war authorization or the 2001 for that matter does not apply to Iran, aren't we setting a dangerous precedent?

What is it to stop this administration or any future administration from claiming that a war authorization for one country gives them the okay to use force against another?

Ms. HAINES. Yes. So there is—classically, in my experience, the way that administrations would essentially look at an authorization to use military force, like, for example, the 2001 authorization to use military force, is that they would then consider if another act or whether it be a terrorist organization as it would be in that particular AUMF case or in the context of an AUMF vis-a-vis another country—if that country entered into an alliance and was fighting against the United States then there could be an extension of that authorization to another State in that circumstance.

But I think, you know, obviously, Congress has the ability to pass another joint resolution that says in fact that is not what we intended and we do not in fact authorize this.

Mr. LEVIN. Right. I mean, my time is up because we are running short here. But I just think that it is clear that Congress needs to repeal the 2001 and 2002 and then do new authorizations for any situation that we think we should go to war on.

Thank you.

Ms. HAINES. I agree.

Chairman ENGEL. Thank you.

Ms. Spanberger.

Ms. SPANBERGER. Thank you so much to the witnesses.

Ms. Haines, it is so great to see you. I have been astounded listening to some of the testimony or the questions of my colleagues as we are talking through what should be a really foundational piece—what is Congress's war—Congress's role in the authorization of war.

I have heard a lot of debate about what happened a week ago, 10 years ago, 15 years ago, 16, 20, 25, et cetera, years ago.

But what I want to move forward and talk about is the 2001 AUMF and the 2002 AUMF, and Ms. Haines, I will start with you specifically as a followup to the questions posed by Congressman Phillips and Congressman Levin.

The 2002 AUMF—we will start there—authorization for our war in Iraq. To your knowledge, to restate, are there currently any operations continuing under the 2002 AUMF?

Ms. HAINES. Yes. Thank you, Congresswoman.

I cannot say with certainty, right, what it is that the current administration is doing.

What I can tell you is that in the Obama Administration we conducted a significant number of military operations that seemed quite similar to what it is, frankly, that is currently being done by the Trump Administration against terrorist organizations such as al-Qaida and associated forces and, obviously, against ISIL, and we did not believe that the 2002 AUMF was necessary for us to do any

of those operations including the ones around ISIL, just to be utterly clear, including those in Iraq.

And, as a consequence, we supported the repeal of the 2002 AUMF, which we felt was outdated. And the president also had said that—felt that it was time to replace the 2001 AUMF.

Ms. SPANBERGER. Thank you.

And there seems to be some confusion among members of this body about how the killing of Osama bin Laden or al-Baghdadi were different and from an authorization standpoint from the killing of Soleimani.

I also think, and I will take the opportunity to restate that those of us on this side of the aisle shed no tears for Soleimani who, I believe, was a terrorist as he is classified by the U.S. Government.

But could you just walk us through specifically how the authorizations—what the authorizations were for the killing of Osama bin Laden and al-Baghdadi and how that may or may not be the same or different?

Ms. HAINES. Yes. So for Osama bin Laden, the 2001 AUMF is quite clear in its authorization to use military force against al-Qaida——

Ms. SPANBERGER. Authorization by Congress.

Ms. HAINES. Authorization by Congress. Absolutely.

Ms. SPANBERGER. Thank you.

Ms. HAINES. And in the case of al-Baghdadi it is, obviously, under ISIL and the theory of the Obama Administration, which I assume is being used by the Trump Administration, was in fact that because ISIL had a longstanding relationship with al-Qaida and with Osama bin Laden and, you know, a variety of other factors including the fact that they had targeted the United States, that you could in fact authorize action against ISIL as well under the 2001 AUMF, despite the split in leadership between al-Qaida and ISIL.

Chairman ENGEL. Thank you.

Ms. Houlahan.

Ms. HOULAHAN. Thank you very much for coming and I would also like to echo my concern that Secretary Pompeo is not here today.

I do have two very specific questions. One reflects on Mr. Kinzinger's conversation about the responsibility that people in the military have to understand that they won't necessarily be safe. That is their job.

But we also have a responsibility in Congress and with the administration to make sure that we are deploying them effectively and that we are keeping them as safe as possible by using the other resources and tools in the toolbox that we have, which is diplomacy and humanitarian efforts.

And so my question to you directly is what happens now that we have sent thousands of troops into the Middle East in terms of our efforts in Russia or against China and the concern of great powers?

Dr. HAASS. I made the criticism the other day that I thought sending more troops to the Middle East right now lent a—the phrase I used was strategic incoherence.

This administration has articulated publicly the need for a much greater emphasis on great powers, the challenge they pose, and its

entire bias was to dial down the American emphasis on the—on the greater Middle East.

I thought they went too far on what they did in Syria. This is, clearly, inconsistent with it. So I would think it is—given the administration's own lights, it would make a good deal of sense to try to stabilize things.

I think that does involve, as you suggested, a greater emphasis on diplomatic tools.

In the short run, though, it may now be necessary to have those troops there because we have created—we have, if you will, poked the stick in the hornet's nest.

But I am hoping it is not a—this does not become the new normal because the impact on readiness, the impact on what would be available elsewhere would be—would be, I think, unfortunate.

Ms. HOULAHAN. And thank you. I am sorry that I do not have time to ask the rest of you because I have one question, which is that the U.N. Security Council Resolution 2231, which is set to expire now on October 18th, what if anything should we be doing to make sure that we are thinking about and address the expiration of that resolution?

Those are the—it is the resolution that I expressed as the importance that Iran is prohibited from exporting or purchasing any arms.

This is what President Trump is talking about when he says that everything is set to expire and that is part of the reason why he exited the JCPOA.

Ms. HAINES. Yes, and your question is just——

Ms. HOULAHAN. Is there anything that we can do here in this body, given that the U.N.—that that is set to expire.

Ms. HAINES. Right. I mean, I think, obviously, you can support the administration and push them to, essentially, look for extensions of any restrictions that you think are appropriate on——

Ms. HOULAHAN. And in what ways should our policy change if the—if Iran was able to sell and acquire combat systems as a consequence of this? With my 4 seconds.

Hay. Yes. I mean, essentially, as a preliminary matter what you want to do is see what they do and, in fact, whether or not they could push out conventional arms more than they already do.

We already have policy that actually tries to counter those issues as it is and we would, obviously, want to increase, you know, depending on whether or not they are increasing their exports——

[Simultaneous speaking]

Ms. HOULAHAN. Thank you. I apologize. Yield back.

Chairman ENGEL. Thank you.

Mr. Trone.

Mr. TRONE. Dr. Haass, just quickly, prior to the assassination we had real protests in the streets against Iran and they had a war for over 8 years.

A hundred thousand Iraqis died. A hundred thousand Iranians died. And we were moving in a little bit of positive direction on the anti-Iran feeling in Iraq.

Now that has all swung back. What do you think this recent events—this new trajectory is going to do on Iraq's pro-reform movement and the protest movement?

Dr. HAASS. Yes, it is a good question. I think Iraqis have considerable nationalism and the fact that because they are Shi'a and Iran is, obviously, Shi'a that somehow there is not nationalism in Iraq, I do not think that is true.

My guess is also Iran will overplay its hand. So I think it is probably wrong to underestimate Iraqi pushback against Iran.

Again, it is also one of the reasons—I think we all agree here 100 percent that it is so important for the United States to repair its relationship with Iraq because I think that will give Iraqis a basis and some confidence for pushing back against Iran. I do not want Iran to have a free hand inside Iraq.

Mr. TRONE. OK. We got to run for votes.

Chairman ENGEL. OK. I want to first ask very quickly unanimous consent that Ms. Sheila Jackson Lee be allowed to participate today and giving her 1 minutes.

Ms. JACKSON LEE. Let me quickly say that I have not seen any depth of support by the American people for war with Iran. I, clearly, believe it is important for us to explain that Article 1 does say that Congress declares war. It does give Article 2 powers of defending the Nation.

I do think the issue of imminent danger was—and should be explained to the American people and we should be truthful about it. So I have two questions.

One, do we believe that any engagement with Iran, respectively, and some resolution is at this point hopeless? I truly believe under President Obama when we worked tirelessly for the non-nuclear agreement that we had something that would allow us a moment to engage.

And then if anyone wants to comment on this completely upside down explanation of imminent and the fact that there was no definitive definition or reasoning behind Secretary Pompeo's advice or the secretary of defense's advice to the president of the United States.

Chairman ENGEL. Well, you got 2 seconds, according to this. But maybe we can give you 30 seconds.

[Laughter.]

Dr. HAASS. I do not think it is hopeless. I think that it would, you know, do such things as no longer supporting regime change, making it clear that we are willing to talk.

I think putting sanctions relief on the table conditionally tied to Iranian behavior, I think that against the backdrop of sanctions I think that is—I think there is a possibility. Certainly worth pursuing.

Ms. JACKSON LEE. Thank you.

Chairman ENGEL. Thank you. Yes, I am going to have to adjourn because we have a vote.

Ms. JACKSON LEE. Thank you, Mr. Chairman, for your courtesy. Thank you.

Chairman ENGEL. Thank you.

I want to thank our three witnesses. I have been on this committee a long time and I think all of you are just excellent and I really do appreciate your coming here and speaking with us today, and we hope to have you back.

Thank you. The committee is now adjourned.

[Whereupon, at 1:31 p.m., the committee was adjourned.]

APPENDIX

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Eliot L. Engel (D-NY), Chairman

January 14, 2020

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at https://foreignaffairs.house.gov/):

DATE: Tuesday, January 14, 2020

TIME: 10:00 a.m.

SUBJECT: From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy

WITNESS: Richard Haas, Ph.D.
President
Council on Foreign Relations
(*Former State Department Director of Policy Planning*)

Ms. Avril Haines
Nonresident Senior Fellow
Brookings Institution
(*Former Deputy National Security Advisor and Former Deputy Director of the Central Intelligence Agency*)

Mr. Stephen J. Hadley
(*Former National Security Advisor*)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Tuesday* **Date** *01/14/2020* **Room** *2172 RHOB*

Starting Time *10:13 a.m.* **Ending Time** *1:31 p.m.*

Recesses *0* (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)
Chairman Engel

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑
Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:
From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy

COMMITTEE MEMBERS PRESENT:
See attached.

NON-COMMITTEE MEMBERS PRESENT:
Representative Sheila Jackson Lee (D-TX)

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ **No** ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*
SFR - Zeldin
IFR - Engel (2), McCaul
QFR - Castro, Rooney, Titus

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *1:31 p.m.*

Camille Kallman
Full Committee Hearing Coordinator

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE ATTENDANCE

PRESENT	*MEMBER*
X	Eliot L. Engel, NY
X	Brad Sherman, CA
X	Gregory W. Meeks, NY
X	Albio Sires, NJ
X	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
X	Ami Bera, CA
X	Joaquin Castro, TX
X	Dina Titus, NV
X	Adriano Espaillat, NY
X	Ted Lieu, CA
X	Susan Wild, PA
X	Dean Phillips, MN
X	Ilhan Omar, MN
X	Colin Allred, TX
X	Andy Levin, MI
X	Abigail Spanberger, VA
X	Chrissy Houlahan, PA
X	Tom Malinowski, NJ
X	David Trone, MD
X	Jim Costa, CA
X	Juan Vargas, CA
	Vicente Gonzalez, TX
X	Sheila Jackson Lee, TX

PRESENT	*MEMBER*
X	Michael T. McCaul, TX
X	Christopher H. Smith, NJ
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Scott Perry, PA
X	Ted Yoho, FL
X	Adam Kinzinger, IL
X	Lee Zeldin, NY
	James Sensenbrenner, Jr., WI
X	Ann Wagner, MO
X	Brian J. Mast, FL
X	Francis Rooney, FL
X	Brian K. Fitzpatrick, PA
	John Curtis, UT
X	Ken Buck, CO
X	Ron Wright, TX
X	Guy Reschenthaler, PA
X	Tim Burchett, TN
X	Greg Pence, IN
X	Steve Watkins, KS
X	Michael Guest, MS

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record from Representative Joaquin Castro
From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy
January 14, 2020

Question:

"On January 11, 2020, President Trump tweeted support for the Iranian people, saying "I've stood with you since the beginning of my Presidency, and my Administration will continue to stand with you." But, in fact, besides imposing sanctions in violation of the JCPOA that have hurt the Iranian people economically, President Trump has imposed a ban on Iranians entering the United States. What effects do you see of this policy that has prevented Iranians, including family members of U.S. citizens, from entering the United States, in affecting Iranian perception of the United States, keeping American citizens apart from family members, and in preventing Iranian political dissidents from coming to the United States?"

Answer:

Dr. Haass: There is a clear inconsistency between President Trump's expression of support for the Iranian people and the Trump administration's decision to suspend issuing visas to Iranian nationals. The impact of the policy is not just humanitarian, causing hardship to individuals and families, but political, as the United States could and should be a destination for Iranian nationals who want to see a very different Iran. The sharp reduction in student visas also works against our long-term interest in seeing the emergence of a more democratic, pro-American Iran.

Mr. Hadley: As a general matter it is important to maintain people to people exchanges. That said, during times of heightened tensions whereby general national security concerns become a top priority for our government, those general rules will have to be modified on a case by case basis. We are not aware of the rationale for the administration's decision to limit Iranian citizens travel to the United States.

Ms. Haines did not submit a response in time for printing.

Question:

"The Trump Administration has cited the 2002 AUMF that authorized the use of force against Saddam Hussein's Iraq as the legal justification for carrying out the strike against Qassem Soleimani. During your time in government, did you have any discussions regarding the application of the 2001 or 2002 AUMF as it relates to a military strike on Iran? Was it the understanding of the administration you were a part of that the 2001 or 2002 AUMF gave the President of the United States the authority to attack Iran?"

Answer:

Dr. Haass: I do not recall any conversations as to the application of the 2001 or 2002 AUMFs to potential uses of military force against Iran. Looking ahead, I would argue for retaining the 2001

AUMF against terrorism, although in a revised form that would no longer link or limit it to groups involved in the September 11, 2001 attacks. I would also favor repealing the 2002 AUMF that pertains to Iraq, as Iraq is no longer an adversary. I would also recommend that Congress consider passing an AUMF tied to Iran that would provide a political and legal basis for responding to Iranian acts of aggression in the region or carrying out a preventive military strike against Iranian nuclear capabilities. I do not believe an AUMF is needed to undertake preemptive military actions to respond to any imminent threats posed by Iran, as this is already covered by the legal right of anticipatory self-defense. The passage of an AUMF pertaining to Iran would stimulate a much-needed domestic political debate, provide Congress with a stronger check on possible uses of military force by this or future administrations, prove reassuring to regional friends and allies, and bolster deterrence with Iran.

Mr. Hadley: To my best recollection, this question did not come before the Bush Administration since we did not contemplate attacks on Iran during my tenure as Deputy National Security Advisor 2001-2005) or National Security Advisor (2205-2009).

Ms. Haines did not submit a response in time for printing.

Questions for the Record from Representative Francis Rooney
From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy
January 14, 2020

Question:

"Given your comments on preemption vs. prevention, can you comment on the long-term implications of the United States killing a military officer, as opposed to a non-state actor, and of the April 2019 Trump Administration decision to designate the IRGC as a terrorist organization?"

Answer:

Dr. Haass: Killing an individual who is a member of a terrorist organization, i.e., a non-state actor, is a legitimate policy. Killing an individual who is an official of a government that employs terrorism as a tactic is something different. The former describes the killing of Osama bin Laden, the latter the killing of Qassem Suleimani. Absent the determination that the government official was involved in planning an imminent attack, killing a government official is an act of war. The Suleimani killing does not seem to have met the imminence criteria. Instead, it appears to have been either an act of retaliation, of prevention, or both. The danger is that such actions on our part could trigger a wider war and weaken the international norm against targeted killings of government officials, potentially making U.S. officials more vulnerable.

Question:

"Given suggestions to 'give diplomacy a chance' how can we exploit and leverage the apparent asymmetry between the aspirations of the Iranian people and the Mullah's government? How have the recent events impacted this opportunity?"

Answer:

Mr. Hadley: The United States should support the Iranian people as we do the people in other countries when they peacefully demand greater transparency and accountability from their government. Pressure from their own people is the greatest source of leverage on the Iranian regime.

Questions for the Record from Representative Dina Titus
From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy
January 14, 2020

Question:

"In addition to systemic questions about executive versus legislative authority to take out a senior officer of another country, the crisis of confidence we have with this president who keeps changing his story about why, the demise of the nuclear deal involving our international allies, and the cessation of counter ISIS measures, we have not heard as much about the halt in critical humanitarian work in Iraq and the potential increase in the world's refugee crisis that might be caused by this. Can you discuss the impacts the recent escalations might have on these and how they contribute to instability?"

Answer:

Dr. Haass: Iraq's humanitarian needs are considerable. There are an estimated 1-1.5 million internally displaced persons (IDPs) in Iraq, roughly half of whom are living in the Kurdistan region. The good news is that more than four million Iraqis who had been displaced at the time ISIS was a major presence in the country have returned to their homes. I am not aware of any authoritative estimates as to whether and to what extent recent events have added to the humanitarian burdens of the country, although I would expect the military exchanges have complicated NGO and counterterrorist activities.

Ms. Haines did not submit a response in time for printing.

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