



January 23, 2013

## Questions for Secretary of State Nominee Kerry

The Constitution requires the Senate consent to many senior executive branch nominations, which provides the Senate a fixed and critical point to review the President's policies. Here are a set of questions about how Senator John Kerry, if confirmed as Secretary of State, might advise the President and implement policies on critical national security issues.

### U.S. Foreign Policy Prerogatives

During the first debate of the 2004 presidential general election, when asked about preemptive war, you [said](#) you would never cede "the right to preempt in any way necessary to protect the United States," but that such actions had to be done in such a way "that passes the global test ... [where] you can prove to the world that you did it for legitimate reasons."

- Do U.S. foreign policy actions or initiatives need to pass a "global test?"
- By way of analogy, does the unilateral French military action in Mali meet the global test?

### Russia Reset

The Obama Administration claims one of its signature foreign policy achievements is the "reset" in relations with Russia. You have [said](#) in the past the reset is "paying off." Russia has vetoed U.N. Security Council resolutions pertaining to the slaughter in Syria, has armed the Assad regime there, serves as the protector at the United Nations for Iran's illicit nuclear program, held a parliamentary election in 2011 the Secretary of State assessed to be "neither free nor fair," and terminated all USAID programs in Russia. Two weeks ago a news article in the Washington [Post](#) called the Russia reset a "failure."

- What exactly was reset with Russia?
- Is the reset still paying off?

### Syria

In 2008 you co-authored an [opinion](#) piece under the title "It's Time to Talk to Syria." President Obama took that advice and rewarded Syria with the appointment of a U.S. Ambassador. Close

to a year ago, on March 1, 2012, you [said](#) Assad's days were "numbered." The U.N. High Commission for Human Rights recently [estimated](#) at least 60,000 people have been killed in the internal conflict in Syria since March 15, 2011.

- Is it still time to talk to Syria?
- Can we finally dispense with any notion that Assad is a reformer?
- How many days does the Assad regime have remaining?

## Iran

In his 2009 Inaugural Address, President Obama said to Iran: "We will extend a hand if you are willing to unclench your fist." He reportedly followed this up by sending two personal letters to Iran's Supreme Leader. There certainly has been no lack of attempts by the Obama Administration to try to engage diplomatically with Iran.

From your position as Chairman of the Senate Foreign Relations Committee, you held many hearings in support of President Obama's position to engage Iran directly. You [counseled](#) in March 2009, however, that "Iran needs to understand that these will not be drawn-out negotiations ... We need to set a timetable for substantive progress." You went on to say that if the nuclear issue was not resolved, Iran would have to face "tougher economic sanctions."

In late 2011 we discovered that "elements of the Iranian regime," as the State Department [said](#), were plotting a terrorist attack on U.S. soil to assassinate the Saudi Ambassador to the United States. Iran continues to accelerate its nuclear program, as the International Atomic Energy Agency Director General [noted](#) in November 2012.

- Can this Iranian regime be talked out of its illicit nuclear program or its support for terrorism?
- If so, what facts would you point to in support of the assertion that Iran can be talked out of its illicit nuclear program or support for terrorism, given all evidence to the contrary?
- If you are confirmed, will we finally halt the effort of the past four years to engage in "drawn-out negotiations" with Iran?
- What "timetable for substantive progress" should we set for these negotiations, given that Iran has done nothing but accelerate its nuclear program over the past four years?
- The Obama Administration opposed every major piece of Iran sanctions legislation to make its way through the Congress during its first term. If you are confirmed, will you support "tougher economic sanctions" on Iran for its failure to resolve the nuclear issue, like you said you would in 2009?
- At what point do we admit this Iranian regime has rejected our overtures and entreaties? Or, in the words of President Obama, when do we admit Iran has not unclenched its fist?

## Terrorism

On September 12, 2012, President Obama [vowed](#) we would "bring to justice the killers who attacked our people" in Benghazi, Libya the day before.

- Were the terrorists who perpetrated the recent attack in Algeria emboldened because no one has paid a penalty for the attack on our facility in Benghazi?

## **Pakistan**

The 2009 Enhanced Partnership with Pakistan Act, also known as Kerry-Lugar-Berman bill, authorized the President to provide \$1.5 billion in economic (non-military) assistance to Pakistan each year for five years. The United States also provides significant military (security) assistance to Pakistan. Among the Act's stated purposes of assistance was to help prevent Pakistani territory from being used as a base for terrorist attacks and to work with Pakistan to coordinate action against extremist and terrorist targets. In order for the United States to be able to provide certain security assistance to Pakistan, the President has to certify under the Act, among other things, that Pakistan is committed to combating terrorist groups, ceasing the support of its intelligence agency to terrorist groups, and preventing terrorist groups from carrying out cross-border attacks into neighboring countries. In his final appearance before the Senate Armed Services Committee, outgoing Chairman of the Joint Chiefs of Staff Admiral Mullen essentially [charged](#) Pakistan with giving aid and comfort to U.S. enemies, namely the Quetta Shura (leadership of the Afghan Taliban) and the Haqqani Network. It was in that statement that he charged the Haqqani Network is an "arm" of the Pakistani intelligence service, long enjoying "the support and protection" of the Pakistani government. The Haqqani Network is responsible for, among others, attacks on the U.S. Embassy in Kabul and an attack on the InterContinental Hotel. And of course Osama bin Laden was found in Pakistan.

- Has the U.S. relationship with Pakistan improved under the Kerry-Lugar-Berman bill?

## **Bilateral Security Agreement with Afghanistan**

The Obama Administration is negotiating a Bilateral Security [Agreement](#) with Afghanistan. In 2007, you introduced a bill, along with Senators Obama and Clinton, expressing the sense of the Senate that any bilateral agreement between the United States and Iraq involving commitments or risks affecting the nation as a whole would not have the force of law if it did not receive Senate consent via the treaty process or was not authorized by legislation (presumably as a Congressional-Executive Agreement).

- Will you insist that any Bilateral Security Agreement with Afghanistan be submitted to the Congress for its approval in some form?

## **North Korea**

In your capacity as Chairman of the Senate Foreign Relations Committee, at a hearing in March 2011 on what initiatives the United States should take with North Korea, you [said](#) we should "launch bilateral talks with North Korea." You counseled the same a few months later, [saying](#) we should "engage North Korea directly."

President Obama did just that, completing on February 29, 2012, an [agreement](#) "to implement a moratorium on long-range missile launches" in exchange for 240,000 metric tons of food aid.

The ink was barely dry on this agreement when North Korea announced it would conduct a long-range missile test, which it did on April 13, 2012.

This should not have been a surprise. Over the past 20 years, North Korea has made [frequent](#) promises to halt long-range missile launches and nuclear activities. It has broken those promises every time. This Obama Administration effort at engaging North Korea was similar to a Bush Administration effort in 2008, which resulted in an agreement that North Korea promptly violated. During the Obama Administration, North Korea has conducted at least one nuclear test, several long-range missile tests, and murdered 46 South Korean sailors by sinking the South Korean ship Cheonan in May 2010.

When the Bush Administration completed its agreement, Senator Obama was clear what the consequences should be if North Korea did not live up to its agreement. He [said](#), “If the North Koreans do not meet their obligations, we should move quickly to re-impose sanctions that have been waived, and consider new restrictions going forward.” He later [added](#), “[W]e should lead all members of the Six Party talks in suspending energy assistance, re-imposing sanctions that have recently been waived, and considering new restrictions.”

Like Lucy pulling the football away from Charlie Brown, North Korea completes agreements with no intention of implementing them.

- Should we still engage directly with North Korea?
- If you are confirmed, will you work with President Obama to implement his previous position that tougher sanctions should be imposed on North Korea for its continued violation of all its nonproliferation agreements?

## **Nuclear Complex Modernization**

As you know, since you were there, in order to secure Senate ratification of New START, President Obama made a commitment to U.S. nuclear modernization. That commitment is most manifest in two places: 1) the 1251 plan (named after the section of the Defense Authorization Act requiring it) that identified specific dollar amounts to be spent; and 2) his agreement to conditions articulated in the treaty’s Resolution of Ratification. Former Secretary of Defense Gates [observed](#) in testimony to Congress that this promise “played a fairly significant role in the willingness of the Senate to ratify the New START agreement.” Unfortunately, President Obama has already [abandoned](#) his 1251 plan commitments.

- Do you understand that the Obama Administration’s failures to adhere to its nuclear modernization commitments seriously jeopardize the Senate’s willingness to support implementation of New START and future arms control initiatives the President clearly wants?

## **Future Nuclear Arms Reductions**

Secretary Panetta has taken the [position](#) that arms reductions would take place in the Obama Administration only as a result of an arms control treaty process. He said, “reductions that have

been made, at least in this Administration, have only been made as part of the START process and not outside of that process; and I would expect that that would be the same in the future.” This makes sense, as nuclear reductions are almost always completed by treaty. As the Congressional Research Service has [observed](#), “[a]rms control treaties are the only category of agreement in the political-military field that have been concluded primarily in treaty form.”

- Do you commit to support and implement nuclear reductions only under the treaty-making power of the President articulated in Article Two, Section Two, Clause Two of the Constitution, requiring consent of two-thirds of the Senate?

## Arms Control Compliance

Russia is essentially a serial violator of arms control treaties. When President Obama completed New START there were a number of issues outstanding on the original START. The State Department is unable to verify Russian compliance with the Biological Weapons Convention or the Chemical Weapons Convention, while it affirmatively finds Russian noncompliance with the Conventional Forces in Europe Treaty and the Treaty on the Open Skies.

In his April 2009 speech in Prague promising to rid the world of nuclear weapons, President Obama [proclaimed](#) “rules must be binding. Violations must be punished. Words must mean something.” In 1985, Congressmen Les Aspin, Harry Reid, and others wrote to Soviet General Secretary Gorbachev to assert that if compliance issues are not “resolved in a satisfactory manner, it will have serious consequences for the future of the arms control process.”

Indeed, it is self-evident that parties must adhere to the commitments they have made for arms control to have any meaning and credibility. When Russia violates arms control agreements while the United States adheres to them, Russia gains a military advantage that puts U.S. national security at risk. For example, the former Commander of U.S. Strategic Command, General Chilton, [predicated](#) his support for U.S. nuclear levels and New START on the assumption “that the Russians in the post-negotiation time period would be compliant with the treaty.”

- Do you agree with the position that for the arms control process to have any meaning, parties must adhere to the treaty commitments they have made?
- Do you agree with the position of Les Aspin and Harry Reid that non-compliance should have consequences for future arms control negotiations?
- Do you agree with the position of President Obama that violations of arms control obligations must be punished?
- If we have evidence of a major arms control violation, shouldn't we resolve that issue prior to negotiating future arms control treaties?

## Iraq

When it was politically safe in 2002, you [voted](#) to authorize the use of force against Iraq. When it became a politically unpopular effort, you turned against the war there. You supported numerous pieces of legislation demanding a [precipitous withdrawal](#) of U.S. troops from there and opposing

President Bush's [surge](#) of troops. You said in January 2007 about the surge you were "confident it will not work." Senate Armed Services Committee Chairman Levin [said](#) in 2009, "in considering whether or not to surge troops in Iraq ... I think that history will show that President Bush reached the right decision."

- Do you agree with Senator Levin that the surge was a success?

## **Energy & American Jobs**

As Secretary of State, you will recommend to the President whether to issue a permit for the Keystone XL pipeline project. It is estimated that project would reduce gasoline prices in the United States, cut our reliance on Venezuelan and Middle East crude oil by up to [40](#) percent, and create tens of thousands of jobs in the United States. Instead, with the Obama Administration [rejecting](#) the permit application for this project in January 2012, Canada, our top trading partner and close ally, has sought to bolster its energy trade with China and other alternative markets.

- If confirmed, will you recommend the Keystone XL pipeline project be approved?

## **Climate Change**

One of the first hearings you held as Senate Foreign Relations Committee Chairman was on climate change. You [asserted](#) "we need to begin by putting in place a domestic cap-and-trade program here at home. This will give us leverage to influence other countries' behavior."

- What empirical evidence is there that China would alter its domestic energy strategy based on our behavior?
- Do you believe the Obama Administration should pursue policies that restrict America's energy sources even when those policies would make the U.S. economy less competitive with China and other nations?