

Failure to Launch

Did Robert Gibbs let the cat out of the bag? Mahmoud Ahmadinejad is telling the world that Iran, unable to get fuel rods from the West for its U.S.-built reactor, which

makes medical isotopes, had begun to enrich its own uranium to 20 percent.

From his perch in the West Wing, Gibbs scoffed: "He says many things, and many of them turn out to be untrue. We do not believe they have the capability to enrich to the degree to which they now say they are enriching."

But wait a minute. If Iran does not "have the capability" to enrich to 20 percent for fuel rods, how can Iran enrich to 90 percent for a bomb? What was Gibbs implying?

Is he confirming reports that Iran's centrifuges are breaking down or have been sabotaged? Is he saying that impurities, such as molybdenum, in the feed stock of Iran's centrifuges at Natanz are damaging the centrifuges and contaminating the uranium?

What explains Gibbs's confidence? Perhaps this: according to a report last week by David Albright and Christina Walrond of the Institute for Science and International Security, "Iran's problems in its centrifuge programme are greater than expected. ... Iran is unlikely to deploy enough gas centrifuges to make enriched uranium for commercial nuclear power reactors (Iran's stated nuclear goal) for a long time, if ever, particularly if (UN) sanctions remain in force."

Thus, ISIS is saying Iran cannot make usable fuel for the nuclear power plant it is building, and Gibbs is saying Iran lacks the capability to make fuel rods for its research reactor. Which suggests Iran's vaunted nuclear program is a busted flush.

ISIS insists, however, that Iran may still be able to build a bomb. Yet to do that, Iran would have to divert nearly all of its low-enriched uranium at Natanz, now under UN watch, to a new cascade of centrifuges, enrich that to 90 percent, then explode a nuclear device.

Should Iran do that, however, it would have burned up all its bomb-grade uranium and lack enough low-enriched uranium for a second test. And Tehran would be facing a stunned and shaken Israel with hundreds of nukes and an America with thousands, without a single nuke of its own.

Is Iran running a bluff? And if Gibbs and Albright are right, how long can Iran keep up this pretense of rapid nuclear progress? This brings us to the declaration by Ahmadinejad on the 31st anniversary of the Islamic Revolution, which produced this headline in the *New York Times*: "Iran Boasts of Capacity to Make Bomb Fuel." Accurate as far as it went, this headline was so incomplete as to mislead. For here is what Ahmadinejad said in full: "When we say that we don't build nuclear bombs, it means that we won't do so because we don't believe in having it. ... The Iranian nation is brave enough that if one day we wanted to build nuclear bombs, we would announce it publicly without being afraid of you."

"Right now in Natanz we have the capability to enrich to more than 20 percent and to more than 80 percent, but because we don't need to, we won't do so."

Ahmadinejad sounds like Ronald Reagan: "We believe that not only the Middle East but the whole world should

be free of nuclear weapons, because we see such weapons as inhumane."

Now if, as Albright suggests, Tehran cannot produce fuel for nuclear power plants, and if, as Gibbs suggests, Iran is not capable of enriching to 20 percent for fuel for its research reactor, is Ahmadinejad, in renouncing the bomb, making a virtue of necessity? After all, if you can't build them, denounce them as inhumane.

Last December, the *Times* of London reported it had a secret document, which "intelligence agencies" dated to early 2007, proving that Iran was working on the final component of a "neutron initiator," the trigger for an atom bomb.

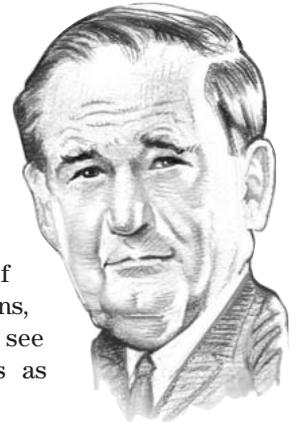
If true, this would leave egg all over the faces of 16 U.S. intelligence agencies whose December 2007 consensus was that Iran stopped seeking a bomb in 2003.

The *Times* credited an "Asian intelligence service" for having ably assisted with its story.

U.S. intelligence, however, has not confirmed the authenticity of the document, and Iran calls it a transparent forgery. When former CIA man Phil Giraldi sounded out ex-colleagues still in the trade, they, too, called the *Times'* document a forgery.

Shades of Saddam seeking yellowcake from Niger.

Are the folks who lied us into war on Iraq, to strip it of weapons it did not have, now trying to lie us into war on Iran, to strip it of weapons it does not have? Maybe the Senate should find out before voting sanctions that will put us on the road to such a war, which would fill up all the empty beds at Walter Reed. ■



Hail to the Chiefs

When the president does it, it isn't illegal.

By John Yoo

Mr. Yoo served from 2001-03 in George W. Bush's Office of Legal Counsel, where he wrote the memos authorizing the use of torture on 9/11 detainees. Yoo is a law professor at the University of California, Berkeley, Torquemada Fellow in Information Studies at the American Enterprise Institute, and author, most recently, of Crisis and Command: A History of Executive Power from George Washington to George W. Bush.

PERHAPS NO ASPECT of George W. Bush's presidency has been more controversial than his expansive use of executive power, an assertiveness that has earned him much condemnation. But have our greatest presidents faced grave national challenges by deferring to Congress at every turn? Have they abrogated all power necessary to surmount various crises, even at the risk of conflict with the judicial and legislative branches?

Far from writing an apologia for the policies of the Bush administration in which I served, I have made a scrupulous study of history to demonstrate the benefits of a strong executive branch. An ideologically broad-based poll of the American Enterprise Institute's staff, trustees, and washroom attendants generated a ranked list of the most highly regarded presidents. Not surprisingly, the executives we tend to consider greatest have not hesitated to declare war, acquire territory, or render suspected terrorists (or individuals with similar-sounding names) to Egyptian enhanced-interrogation chambers, all with the unsung help of heroic attorneys. A few examples will suffice to illustrate this point:

James Monroe

Though Monroe is best remembered for his eponymous doctrine, his presidency (1817-1825) was also marked by the legal controversy attendant to his impulse purchase of Bermuda from the King of France at the amazing low rate of \$19.99. Monroe pounced on the deal without proper congressional authorization, earning him a denunciatory pamphlet written in limerick form by Chief Justice John Marshall, as was the custom at the time.

A constitutional crisis was averted only when it emerged that the King of France was in fact one Slats Banacek, a confidence man who had gained access to the White House through a liaison with a scullery maid and infiltrated First Lady Elizabeth Monroe's regular bridge game. In a further legal wrinkle, Banacek had already sold the mid-Atlantic island to Talleyrand, Mary Wollstonecraft, and John C. Calhoun, resulting in decades of litigation.

But the precedent set by Monroe's far-sighted act continues to reverberate through American history.

Benjamin Harrison

The presidency of Benjamin Harrison (1889-93) furnishes further proof, if more were needed, that a candidate can lose the popular vote yet still turn out to be a great national leader. Harrison is best remembered today for his campaign to root out the grave national security threat of the Mugwumps, dissident Republicans who had crossed party lines to stump for Grover Cleveland in 1884, treachery the likes of

which the nation had not seen since Benedict Arnold.

Harrison ordered that suspected Mugwumps be subjected to enhanced interrogation techniques that were cutting-edge at the time, including tarring, feathering, and marathon readings of the complete works of Harriet Beecher Stowe. (Not for nothing does 24's Jack Bauer have a tattoo of Benjamin Harrison on his buttocks.) Though revisionist historians have creatively argued that the threat was overstated, the "Mugwump Bump" went on to become one of the most popular dance crazes of that most cheerful of decades, the gay old 1890s.

Warren G. Harding

Today, Warren Gamaliel Harding (1921-23) is justly celebrated for his probity, deregulatory zeal, and daring taste in spats. But Harding was also almost single-handedly responsible for foiling a terrorist plot hatched by revanchist followers of Kaiser Wilhelm. With the enhanced interrogation of numerous German-Americans, including the president's mother-in-law, the nascent FBI was able to uncover a plot to rename liberty cabbage "sauerkraut."

This was not uncontroversial, and when a young Felix Frankfurter threatened to take action against the roundup, Harding moved swiftly to have Frankfurter and his law clerks placed in isolation buns and slathered with brown mustard.

Some liberal historians have claimed that Harding went too far, but few deny today that this towering statesman's decisive actions saved his country from reliving the agony of the Teapot Dome Scandal. For this reason, Harding tops the AEI poll as our greatest 20th-century president.

There is a wealth of famous examples of effective unilateral action from other presidencies. Martin Van Buren's incon-