

Arkansas US Senator Cotton's Letter to Iran's Leaders Clarified



US Senator Tom Cotton (R-AK)

When Arkansas junior Senator Tom Cotton sent his open [letter](#) on Monday, March 9th to “The Leaders of the Islamic Republic of Iran” signed by 46 other Republican colleagues, 7 declined, it caused a ruckus.

Cotton's letter endeavored to remind Iran's Ayatollah Khamenei, President Rouhani and Foreign Minister Zarif of the Constitutional authorities. The Executive Branch's power in Article II, Sec.2 gives it the right to negotiate foreign agreements. The Legislative Branch, in this case the Senate, must provide its “advise and consent” to treaties on a two-thirds vote and a three-fifths vote in the instances of Congressional-executive agreements. Anything not approved by Congress, such as the current Memorandum of Understanding (MOU) between President Obama and Ayatollah Khamenei is deemed an executive agreement which could end with current term of the President in January 2017. Thus “the next President could revoke the executive agreement with the stroke of a pen and future Congresses could modify the terms of the agreement at any time.”

From the President to leading Democratic Senators, the short missive was rebuked as an unwelcome ‘stunt’ interfering with the Executive Branch of government prerogative of engaging in foreign relations. President Obama considered it “ironic” considering the signatories of the Cotton letter in league with those notorious hard liners in Tehran. He alleged they were seeking to upend the MOU. *The New York Daily News*

[published](#) a front page picture of the Cotton letter accusing the signatories of being 'traitors'. For the first 48 hours that continued to be the criticism of Sen. Cotton and the GOP leadership in the Senate, with the exception of the 7 who agreed with the White House for different reasons. Senator Corker (R-TN) thought it was unhelpful as he was endeavoring to line up Democratic votes for his [Senate Bill 615, The Iran Nuclear Agreement Review Act \(INARA\) of 2015 co-sponsored by embattled Senator Robert Menendez \(D-NJ\)](#).

Iranian Foreign Minister Zarif while calling the Cotton letter, "a propaganda ploy" [argued](#):

"I wish to enlighten the authors that if the next administration revokes any agreement with the stroke of a pen, as they boast, it will have simply committed a blatant violation of international law," according to Iran's Ministry of Foreign Affairs.

The executive agreement was not bilateral but rather multi-lateral with the rest of the Permanent Members of the UN Security Council, plus Germany, subject to a resolution of the Security Council.

That majority of US international agreements in recent decades are in fact what the signatories describe as "mere executive agreements" and not treaties ratified by the Senate.

That "their letter in fact undermines the credibility of thousands of such mere executive agreements that have been or will be entered into by the US with various other governments."

Ayatollah Khamenei [considered](#) the Cotton letter reflective of the "US disintegration". According to the [Mehr news agency](#), the Supreme Ruler said:

Of course I am worried. Every time we reach a stage where

the end of the negotiations is in sight, the tone of the other side, specifically the Americans, becomes harsher, coarser and tougher. This is the nature of their tricks and deceptions.

Further, he said the letter was ‘a sign of the decay of political ethics in the American system’, and he described as “laughable long-standing U.S. accusations of Iranian involvement in terrorism.”



Source: Legal Insurrection

Notwithstanding the roiling criticism of the Cotton letter, [comments](#) by Secretary Kerry at a Senate Armed Services Committee Hearing on Wednesday, echoed those of State Department spokesperson Jen Psaki on Tuesday who said, “historically, the United States has pursued important national security through non-binding arrangements.” Kerry said in his testimony that the Obama Administration was “not negotiating a legally binding plan” but one from “executive to executive,” *Politico*