

Obama And Kerry Don't Much Care For Congress Or Article II, Section 2

Obama called the letter signed by 47 Senators "outrageous." And Kerry called it "unconstitutional":

MARGARET BRENNAN, CBS NEWS: So, how do you clear the air? Are you going to apologize for this letter?

SECRETARY OF STATE JOHN KERRY: Not on your life. I'm not going to apologize for the – for an **unconstitutional** and unthought-out action by somebody who has been in the United States Senate for 60-some days.

That's just inappropriate. I will explain very clearly that Congress does not have the right to change an executive agreement. Another president may have a different view about it. [a different view of the agreement reached, or a different view of the right of a president to reverse an executive agreement that apparently would not have been brought before Congress?] *But, if we do our job correctly, all of these nations, they all have an interest in making sure this is in fact a proven peaceful program.*

And it would be derelict if we allow some gaping hole in this program that doesn't do so. But let's see what it is first. And I think this applies to everybody, incidentally, who has been trying to judge this before, in fact, the deal, if it can be sealed, is sealed.

But the letter was merely pointing out, publicly, and not to the people who run the Islamic Republic of Iran alone, that they might be insufficiently aware of the role of Congress, and that if the agreement were not to be submitted for approval by 2/3 of the Senate, it would not be considered to

be a treaty, and would not, as a mere executive agreement, bind the next president. The meaning of the letter was clear, though it has been scandalously misstated: to explain to Iran, and its negotiators, that a deal regarded as bad by Congress would not pass Congress, and if Obama refused to submit it, as a treaty, to the Senate, and refused even to submit it, as a congressional-executive agreement, for a simple majority vote to both houses of Congress, but cut Congress out altogether, it was constitutionally permissible for the next president to undo what his predecessor had done. That was all – a lesson in the American Constitution, for foreigners in Tehran and, apparently, also for non-foreigners in Washington, including at least one person who lectured, apparently, on American Constitutional Law. Perhaps he didn't have time to cover the treaty power and foreign affairs. Many courses on Constitutional Law nowadays scant those subjects; some end up being courses on Race and the Law. It would be fascinating to see a syllabus from the course taught by Adjunct Lecturer Barack Obama.

[The Wall Street Journal](#) considers the Obama Administration's desire, and possibly attempt, to cut out Congress altogether and, fantastic as it sounds, possibly to seek, as a substitute, "approval" from the Security Council, part of that benevolent and samaritan organization well-known for its stout defense of Western values, liberties, and security, the United Nations.