

Sen. Tom Cotton's Open Challenge to Ayatollah Khamenei and President Obama on Nuclear Deal with Iran.



Arkansas Republican US Senator Tom Cotton

Tall Lincolnesque Arkansas Junior Senator Tom Cotton did his constituents and all Americans proud. His open letter to Iran's Supreme Ruler Ayatollah Khamenei signed by 47 fellow Republican Senators was a ringing Constitutional declaration of Senate authority to review major international treaties. A rather remarkable achievement for the youngest US Senator in the 114th Session of Congress following his electoral victory on November 4, 2014 over incumbent Democrat Mark Pryor. His letter put on notice the theocratic tyrant in Tehran that the US Senate had the right under Article II, Sec. 2 of our Constitution to [advise and consent](#) on treaties negotiated by the Executive branch of our government. Moreover it put the Supreme notice that Congress has the right to vote on the lifting of any sanctions passed under existing legislation and signed into law by President Obama. Further, it basically informed Iran's Supreme Ruler and its President that any bilateral agreement entered into by executive order by the President would be null and void upon his leaving office and the end of his second and final term.

Josh Rogin in his *Bloomberg* report captured the essence of this latest riposte to President Obama in the headline, ["Republicans Warn Iran – and Obama – That Deal Won't Last."](#)

He noted:

Organized by freshman Senator Tom Cotton and signed by the chamber's entire party leadership as well as potential 2016 presidential contenders Marco Rubio, Ted Cruz and Rand Paul, the letter is meant not just to discourage the Iranian regime from signing a deal but also to pressure the White House into giving Congress some authority over the process.

"It has come to our attention while observing your nuclear negotiations with our government that you may not fully understand our constitutional system ... Anything not approved by Congress is a mere executive agreement," the senators wrote. "The next president could revoke such an executive agreement with the stroke of a pen and future Congresses could modify the terms of the agreement at any time."

Arms-control advocates and supporters of the negotiations [argue](#) that the next president and the next Congress will have a hard time changing or canceling any Iran deal – which is [reportedly](#) near done – especially if it is working reasonably well.

Cotton told Rogin:

Iran's ayatollahs need to know before agreeing to any nuclear deal that ... any unilateral executive agreement is one they accept at their own peril.

Rogin went on to note an ironic precedent by Vice President Biden;

Vice President Joe Biden similarly insisted – in a [letter](#) to then-Secretary of State Colin Powell – on congressional approval for the Moscow Treaty on strategic nuclear weapons with Russia in 2002, when he was head of the Senate Foreign Relations Committee.

He further noted that Cotton's letter came against the

backdrop of recent review legislation:

The new letter is the latest piece of an effort by Senators in both parties to ensure that Congress will have some say if and when a deal is signed. Senators Bob Corker, Lindsey Graham, Tim Kaine and the [embattled](#) Bob Menendez have a bill pending that would mandate a [Congressional review](#) of the Iran deal, but Republicans and Democrats have been bickering over how to proceed in the face of a threatened presidential veto.

The relevant language of Article II, Sec. 2 of the Constitution [reads](#):

[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur.

Article II, Sec. 2 of the Constitution:

Gives the Senate a share in foreign policy by requiring Senate consent, by a two-thirds vote, to any treaty before it may go into effect. The president may enter into "executive agreements" with other nations without the Senate's consent, but if these involve more than minor matters they may prove controversial.

The emerging so-called phased P5+1 deal to forestall Iran from becoming a threshold nuclear state is anything but "minor."

The Islamic Republic's possession of nuclear weapons is a threat to Israel, America and the World. In the hands of an apocalyptic Mahdist Shiite Islamic Republic nuclear weapons would foment chaos. The chaos these madmen are eager to trigger they bizarrely believe would bring about the rise from his slumber their moribund Messiah, the 12th Imam, from the Holy Well in the Holy city of Qom, Iran. Just recall the first action of former Iranian President Ahmadinejad was to have his cabinet sign a letter to this effect that was

deposited in that well in Qom. Those possible Iranian nuclear weapons and the means of delivery could result in Islamic domination of the World and the possible destruction of both the reviled Great Satan (the U.S.) and Little Satan (Israel).

The [reaction](#) from Iranian Foreign Minister Zarif about the open letter to Iran's leadership was:

In our view, this letter has no legal value and is mostly a propaganda ploy. It is very interesting that while negotiations are still in progress and while no agreement has been reached, some political pressure groups are so afraid even of the prospect of an agreement that they resort to unconventional methods, unprecedented in diplomatic history.

The Democrats in the Senate were apoplectic. Senate minority leader Harry Reid [said](#), "Republicans are undermining our commander in chief while empowering the ayatollahs." White House press Spokesman Josh Earnest said in reaction to the Republican Senate "open letter":

Just the latest in an ongoing strategy, a partisan strategy, to undermine the president's ability to conduct foreign policy.

President Obama [said](#):

It's somewhat ironic to see some members of Congress wanting to make common cause with the hard-liners in Iran.

Sen. Cotton [issued](#) this statement following Israeli Prime Minister Netanyahu's address before a Joint Meeting of Congress on March 3rd:

I am happy to welcome a truly courageous leader to address the Congress today. There is no one better equipped to discuss the danger posed by a nuclear Iran than Prime Minister Netanyahu. For decades, Iran has had as its

expressed goal for Israel to be 'wiped off the face of the earth' and has been a lead financier and arms supplier of terrorist organizations dedicated to destroying Israel. If Iran is allowed to retain their nuclear program, the United States will find itself in a similar position.

The Obama administration's negotiations with Iran have become an endless series of concessions. Any deal reached at the end of this month will inevitably empower our enemies and put our national security at risk. It is up to Congress to stand with Prime Minister Netanyahu and Israel and restore the credible threat of force against Iran to permanently end their nuclear program.

We [wrote](#) this about Senator Cotton when he was elected on November 5, 2014:

Cotton, reading a profile of him by retired Harvard Professor Ruth Wisse in *The Wall Street Journal (WSJ)*, had a career that resonated. He was a highly educated double Harvard graduate who voluntarily served as an Infantry officer in the US Army during the Iraq-Afghanistan conflict. Wisse's WSJ op-ed was an unabashed endorsement, ["Vote for Tom Cotton—and Redeem Harvard"](#).

[...]

Cotton is a sixth generation Arkansan from a cattle raising ranching family in the small community of Dardanelle, Arkansas. A graduate of both Harvard College and Law School, motivated by the events of 9/11, he rejected a JAG Commission. Instead, he volunteered to go through OCS at Fort Benning and trained at both the Infantry and Ranger Schools. Cotton served from 2005 to 2009. He had two tours, one in Iraq and a second in Afghanistan with the famed Screaming Eagles, the 101st Airborne, rising to the rank of Captain and received a Bronze Star for his combat actions. At 6'5", he was

selected as Platoon Leader at the Old Guard that provides the honor guard at the Tomb of the Unknowns at Arlington Cemetery.

Perhaps the Senator Cotton's open letter to Iran's leadership was a forthright confirmation that the Republican leadership in the Congress heard PM Netanyahu's message. The letter represented a Constitutional challenge to the Administration asserting the Senate's rights of review on any agreement that might be reached with Iran by March 31st that also called for lifting Congressional passed sanctions.