

# What Kerry Should Have Told Zarif A Year Ago

The letter – the Cotton Letter – contains an unremarkable little reminder about the role of the Senate, and more generally of Congress, in approving a treaty or, without a supermajority, a congressional-executive agreement, and the status of a treaty, as compared to that of a purely executive agreement, which Obama and Kerry apparently have in mind, which would allow them to bypass Congress, but would also make it easier for a successor to Obama to undo the agreement if that successor deems it to have been unwise or that the Iranians have not been scrupulous in fulfilling their side of the bargain.

Not only was that Senators' Letter not "unhelpful" but it will be the very reverse, will make the Iranians aware that they are not negotiating with the pliable Kerry and Obama alone. its contents should have been conveyed long ago, as part of the negotiating strategy, by Kerry and Obama themselves. Why didn't they? That the letter was necessary at all, that that was the only way to convey to three audiences – the Iranians, the American government, and the people in America ("the American people" may no longer be a phrase that makes complete sense)–the Constitutional requirement. The letter, thus, is now a mark of shame for the Administration. It could be called not the Cotton Letter, not the Letter-signed-by-47-Republican-Senators but, rather, the Scarlet Letter.