



Republican Senators Send Letter to Iran, Prompting White House Reaction

An open letter sent by 47 Republican senators to the “Leaders of the Islamic Republic of Iran” on March 9 — which provided Iran’s leaders with a brief lesson on the U.S. Constitution’s grant of powers regarding foreign policy — has generated a critical response from White House Press Secretary Josh Earnest, Vice President Joe Biden, and Senate Minority Leader Harry Reid (D-Nev.)



Speaking for the letter’s intended recipients, Mohammad Javad Zarif, Iran’s foreign minister, said the letter lacks “legal validity” and shows that the signatories of the letter are “ignorant of international law.” “In our view this letter has no legal validity and is just a propaganda scheme,” Zarif asserted.

Vice President Biden issued a strongly worded statement critical of the letter, stating:

This letter, in the guise of a constitutional lesson, ignores two centuries of precedent and threatens to undermine the ability of any future American President, whether Democrat or Republican, to negotiate with other nations on behalf of the United States. Honorable people can disagree over policy. But this is no way to make America safer or stronger.

White House Press Secretary Josh Earnest called the letter a “continuation of a partisan strategy to undermine the President’s ability to conduct foreign policy.”

The senators’ letter began as a tutorial on U.S. constitutional law to the Iranians: “It has come to our attention while observing your nuclear negotiations with our government that you may not fully understand our constitutional system.”

The senators’ letter continued by going into greater detail about the Constitution’s prescriptions for approving treaties:

First, under our Constitution, while the president negotiates international agreements, Congress plays the significant role of ratifying them. In the case of a treaty, the Senate must ratify it by a two-thirds vote. A so-called congressional-executive agreement requires a majority vote in both the House and the Senate.... Anything not approved by Congress is a mere executive agreement.

The senators also noted that after President Obama leaves office in January 2017, most of them will remain in office well beyond that date — “perhaps decades.”

They warned, “We will consider any agreement regarding your nuclear-weapons program that is not approved by the Congress as nothing more than an executive agreement between President Obama and Ayatollah Khamenei.” Furthermore, noted the senators, the next president (potentially a Republican) “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.”

In short, said the senators, any treaty you think you might be signing with Obama isn’t worth the paper



Written by [Warren Mass](#) on March 10, 2015

it's printed on because we senators will not ratify it and the next president may tear up the entire thing!

Among the 47 senators signing the letter, which was drafted by Tom Cotton of Arkansas, were several considered to be contenders for the 2016 GOP presidential nomination — Ted Cruz, Marco Rubio, and Rand Paul.

Cotton defended the letter during an appearance on CNN's *The Lead* on March 9, telling host Jake Tapper, "I support a good deal that stops Iran from getting a nuclear weapon today, tomorrow, ten years from now, and forever."

Paul's signature on the letter might create wonderment among many of his supporters, many of whom expect him to advocate the noninterventionist, conciliatory foreign policy often voiced by his father, former Representative Ron Paul. The elder Paul expressed support for conducting negotiations with Iran many times, including in a *Texas Straight Talk* column on October 7, 2013.

In that column, the former representative and presidential candidate called attention to a then-recent telephone conversation between President Obama and the leader of Iran and noted that he had been "saying for years that we should just talk to the Iranians." Paul went on to say:

It is also probably a good sign that this phone call has infuriated the neoconservatives at home, the pro-war faction in Israel, and the hard-liners in Iran. Now that a process of negotiation has begun, the chance of war has been significantly reduced. The U.S. is very unlikely to bomb Iran while it is talking with them, and Israel is also unlikely to start a war while the U.S. is at the negotiating table with the Iranian leadership.

Paul also noted a disconnect between the American people and some members of Congress, in that, despite a then-recent CNN poll indicating that more than 75 percent of Americans favored negotiations with Iran, some members of Congress had recently introduced legislation to authorize war on Iran. They did so, noted Paul, "even as these first steps toward a peaceful resolution of our differences begin to bear fruit!"

During the Republican presidential debate in Iowa in 2011, Paul dismissed the allegations made by other candidates that Iran was attempting to build a nuclear weapon, saying there was no proof that that was the case. He also expressed doubt that Iran was capable of such a feat, stating, "they can't even produce enough gasoline for their automobiles."

Information concerning whether or not Senator Paul shares his father's views regarding U.S. relations with Iran is not clear-cut. However, some items found on Paul's Senate webpage and elsewhere provide clues to his thinking on the issue.

On February 6, Senator Paul sent a letter to President Obama regarding negotiations with Iran, in which he urged the administration "to use caution as you negotiate over sanctions that have been applied statutorily — that is, passed by Congress, and signed into law by the President of the United States."

Paul noted that CISADA (the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010), as modified by ITRA (the Iran Threat Reduction and Syria Human Rights Act of 2012), "only allows for termination of sanctions once Iran has verifiably dismantled its military-nuclear, biological, chemical, ballistic missile and ballistic missile launch technology programs — in addition to Iran no longer acting as a state sponsor of terrorism."

Senator Paul wrote:



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On a foreign policy issue of this magnitude, it is my strong belief that any further agreement — be it interim or final — that lifts statutory sanctions on Iran should require approval by the Congress before taking effect.

Pauls' motivations for making the above statement cannot be determined from the context. Is he opposed to lifting sanctions, *per se*, or is he agreeable to lifting them but merely defending the role of Congress to approve these actions?

If the former is his position, then he is in complete disagreement with his father's stated views on the subject. An article in the Palestinian online newspaper *Donia Al-Watan* on January 18 quoted a statement Ron Paul made in an interview with Newsmax's "Midpoint": "We jump too fast and get involved in confrontations. I don't even like the idea of using sanctions because those are acts of war and lead to a lot of trouble."

If Senator Paul's objection to Obama was based on the latter, and his warning to the president is based on his opposition to the president unilaterally rescinding sanctions laws based by Congress, then it is possible he is defending the separation of powers, a legitimate constitutionalist position.

In an interview with Senator Paul on Fox News' *On the Record* program on March 6, host Greta Van Susteren asked him about a bipartisan bill requiring congressional review of any nuclear deal with Iran and noted that President Obama is threatening to veto that law. Paul's answer provides us with a strong clue about the senator's motivations. It suggests that he is not averse to lifting sanctions but wants to preserve the right of Congress to do so. He said:

I've said all along that I think the law requires the undoing of sanctions that were put on by Congress. Obviously, the law would require that Congress would have to undo these, that he can't do it on its own, so there has been a big debate whether the president can undo sanctions on his own. And that is what this bill will be, the discussion about, that Congress really should have to approve the agreement.

Van Susteren summarized the Republican position: "This is sort of an international executive order if the president thinks he can go alone without the Senate. And the Constitution, Section II, Clause II says that he must go to the Senate as if for a treaty." To which Paul responded, "And that is a good point. We have had a problem over the last 100 years a lot of powers have been given up by Congress and taken over by the presidency."

The bill to which Van Susteren referred, requiring congressional review of any nuclear deal with Iran, is the Iran Nuclear Agreement Review Act of 2015 (S. 615), introduced on February 27 by Senator Bob Corker (R-Tenn.). Paul cosponsored the bill and has written about it on his webpage. He wrote that the "bipartisan legislation would mandate that the Obama Administration submit the text of any agreement [with Iran] to Congress, in addition to prohibiting the President from suspending Congressional sanctions for a period of 60 days."

While Paul allows for the possible removal of sanctions, his language ("any deal reached must be strong, verifiable, and ultimately, have real consequences if Iran does not comply") suggests that he favors a more heavy-handed, even interventionist policy toward Iran than his father ever advocated.

Interestingly, Senator Corker, who introduced the above bill favored by Senator Paul, was one of only seven Republicans who did *not* sign the letter to the Iranians.



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