



Written by [Steve Byas](#) on September 5, 2015

Iran Deal: GOP-controlled Congress Hands Obama Another Win

With Senator Barbara Mikulski (D-Md.) announcing her support for President Obama's nuclear deal with Iran, it appears that the president has won yet another "battle" with the Republican-controlled Congress.

Although the Constitution clearly states that any treaty negotiated by the president must have the approval of two thirds of the U.S. Senate, Senator Bob Corker (R-Tenn.) paved the way for yet another Obama victory over Congress and the Republicans when he won passage of the Corker-Menendez bill back in April. This legislation flipped the necessity of a president obtaining the vote of two thirds of the Senate to gain treaty approval, creating a situation wherein he, in effect, must have the support of only *one third* of each house of Congress.



This is because, thanks to Senator Corker and all those members of Congress who voted for his legislation (S. 615), the president would submit the measure (which Obama insists on calling an "executive agreement" rather than a treaty) to Congress, which could then vote a resolution of disapproval. If the measure failed to win two thirds of both houses of Congress, then President Obama could simply veto the act of disapproval.

Constitutionally, Congress had no authority to transfer its powers to the president. The Constitution requires, in Article II, Section 2, that the president of the United States "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Every member of Congress has taken an oath to follow the Constitution. Nothing is said in that document about allowing members of Congress to surrender any of their powers to the president.

It also makes no practical sense. Without the Corker bill, the agreement still would have required a two-thirds vote in the affirmative, instead of Corker's one-third. This is like a football team that's leading by four points (with only three more plays to run out the clock), deciding to punt the ball on first down.

How Corker and others in Congress could have willingly given up their constitutional powers is suspicious and disturbing. In the August 24 edition of the print version of *The New American*, Senior Editor William F. Jasper concludes that it was due either to "incompetence or skullduggery."

A historical example which demonstrates the power the Constitution gives the Senate in foreign policy is the defeat of the Treaty of Versailles, negotiated by President Woodrow Wilson in 1919. This treaty, which concluded a formal "peace" with Germany and her allies, also proposed a world government organization known as the League of Nations. Wilson pushed at the Paris Peace Conference for its



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creation, claiming that America was the “savior of the world.” Much in the style of Obama stiffing congressional opponents, when Wilson traveled to the peace conference following the war he opted to take not a single Republican senator with him. The Constitution stipulates that treaties are part of U.S. law only if made by and with the advice of the Senate, not just its consent. Considering that the Republicans were the majority party in the Senate following the 1918 elections, Wilson was clearly skirting the Constitution. Additionally, it was just poor politics to leave the Republicans home.

When Wilson brought the treaty back for members of the Senate to simply rubber stamp it, they declined. While there were only about 12-18 “irreconcilables” who refused to vote for the treaty and its League of Nations, even with amendments, a larger number of “reservationists” were prepared to vote for it. The principal reservation these senators had with the Treaty of Versailles was the provision which handed the power to make war over to the League of Nations — without a vote by Congress.

Fortunately, because Wilson rejected any compromise, his treaty was resoundingly defeated in November of 1919.

Instead of repeating this example of how the Senate can use its power to restrain an executive, the Corker move basically snatched defeat from the jaws of victory.

Yet, oddly, many in the GOP seemed to think they had won. An Ohio Republican, Rep. Michael Turner said, “The president is celebrating that he has secured less than 35 percent of the Senate to support the nuclear deal,” while Cory Fritze, press secretary for House Speaker John Boehner, another Ohio Republican, echoed Turner’s optimism. “Forcing a bad deal, over the objections of the American people and a majority in Congress, is no win for President Obama,” he insisted.

Again, with another football allusion, this is like a team claiming victory because they have more yardage and first downs than their opponent, although the opponent has more points on the scoreboard.

In announcing her support for the deal, Senator Mikulski admitted that it was not perfect, “especially one negotiated with the Iranian regime.” But, she argued, the deal “is the best option available to block Iran from having a nuclear bomb.”

Jasper noted in his *New American* article that reaction to the deal has been mixed, with many paleoconservatives and libertarians supporting it. “They somehow find a way to believe that the secretly negotiated Iran deal (of which various secret ‘side agreements’ remain classified) is, as the Obamaists declare, ‘a victory of diplomacy over war.’” These supporters of the deal do not like Obama, but Jasper wrote that they believe “any opposition” to the Iranian nuclear deal is simply “capitulation to Bibi Netanyahu, the Israel lobby, and the neoconservatives who have coopted and taken over the GOP.”

But, as Jasper demonstrated in his article, there are also Jewish supporters of the Iran deal. More to the point for those paleoconservatives who vehemently oppose the creation of a New World Order through the United Nations, Jasper rightly lists several pro-treaty individuals, who are also strong supporters of reducing the national sovereignty of the United States. Tellingly, there are several high-profile members of the Council on Foreign Relations (CFR), such as former Secretary of State Madeline Albright; former Secretary of Defense William Perry; former U.S. Senator Tom Daschle from South Dakota, former Kansas Senator Nancy Landon Kassebaum; George Mitchell; and former National Security Advisors Brent Scowcroft and Zbigniew Brzezinski.

Brzezinski, President Jimmy Carter’s national security advisor, was instrumental in Carter’s betrayal of the Shah of Iran, Reza Pahlavi, in 1979. The Shah was America’s best ally in the region, and as Jasper noted, “was a moderating influence on Islam.” With his fall, the Iranian ayatollahs emerged, who



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continue to call America “the Great Satan.” Brzezinski (CFR) tutored Carter in foreign policy before his election in 1976, and helped David Rockefeller (CFR) create the Trilateral Commission (another organization designed to diminish America’s national sovereignty). Other CFR members in Carter’s administration who contributed to the success of the modern terrorist state of Iran were Harold Brown, Cyrus Vance, Richard Cooper, Andrew Young, Anthony Lake, Sandy Berger, Robert Gates, George Ball, and Milton Katz.

As serious as the Iran deal is, another piece of this story which should be of concern to constitutionalists is the willing transfer of ever more power to the executive branch. “As Commander-in-Chief,” Obama said, in defense of his Iran deal, “I make no apology for keeping this country safe and secure through the hard work of diplomacy over the easy rush to war.” Former Secretary of State Hillary Clinton, who desires to live again at 1600 Pennsylvania Avenue and enjoy the awesome power of the presidency, echoed Obama’s comments back in March. Condemning the 47 senators who had written a letter to the Iranian mullahs promising to end the deal once Obama left office, Clinton declared, “Either these senators were trying to be helpful to the Iranians or harmful to the Commander-in-Chief in the midst of high-stakes international diplomacy.”

The use of the term “commander-in-chief” in reference to the president negotiating an agreement with a foreign nation demonstrates an utter disregard for the Constitution by Obama, Clinton, and others. The president is commander-in-chief only of the nation’s armed forces. The term does not apply to his role in negotiations with other countries. One must ask, just who do they believe the president is commanding when he makes these agreements — Congress? The Constitution in no way makes the president the commander of either Congress or the American people in general. Such a title would be more appropriate for a king.

Regardless of what one thinks of the deal regarding Iran’s nuclear program, the larger issue should concern all those who believe in the rule of law: namely, the escalating concentration of power in the executive branch of the federal government, in clear violation of the letter and the spirit of the Constitution.

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