



Trump Decertifies Iran Deal, Rightly Throwing It to Congress

In 2015, the United States and several other nations cut a deal with Iran, easing sanctions on the regime in exchange for increased monitoring of its nuclear development activities. The agreement was sold by the Obama administration as reducing the amount of nuclear fuel Iran could keep. It also extended the “breakout time” considered necessary for the Iranians to create a nuclear bomb, and opened up some of Iran’s nuclear facilities to constant monitoring, while subjecting others to inspections only after a waiting period.



In agreeing to the deal, Congress required the president to certify that Iran is living up to the deal, and President Donald Trump announced Friday that he was going to invoke “decertification” of the deal, throwing its continued life into the lap of Congress.

In his announcement, Trump vowed that Iran would “never, and I mean never” acquire a nuclear weapon. “Our policy is based on a clear-eyed assessment of the Iranian dictatorship, its sponsorship of terrorism, and its continuing aggression in the Middle East and all around the world.”

Trump was a prominent critic of the Iran Nuclear Deal when it was negotiated by Obama, and remains so today, reiterating that he considered it “one of the worst and most one-sided transactions the United States has ever entered into.” In Trump’s view, the deal “threw Iran’s dictatorship a political and economic lifeline, providing urgently needed relief from the intense domestic pressure the sanctions had created.”

“Worst of all,” Trump said in his announcement, “the deal allows Iran to continue developing certain elements of its nuclear program.”

But, in opting to “decertify” the agreement, Trump is asserting that the Iranian government is not living up to the agreement, arguing that the “Iranian regime has committed multiple violations of the agreement. For example, on two separate occasions, they have exceeded the limit of 130 metric tons of heavy water.” Heavy water is considered an essential element in the development of an atomic weapon.

Trump added, “The Iranian regime has also intimidated international inspectors into not using the full inspection authorities that the agreement calls for. Iranian officials and military leaders have repeatedly claimed they will not allow inspectors onto military sites, even though the international community suspects some of those sites were part of Iran’s clandestine nuclear weapons program.”

While these statements, if true, would constitute a legitimate reason to “decertify” the deal, some of Trump’s statement had little, if anything, to do with whether the Iranians were abiding by the agreement of 2015. For example, Trump said, “In Syria, the Iranian regime has supported the atrocities of Bashar al-Assad’s regime and condoned Assad’s use of chemical weapons against helpless civilians,



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including many, many children.”

If true, this would be despicable, but would not justify decertification of the Iran deal. And there is actually strong evidence that it is not true; yet President Trump ordered the bombing of Syria in retaliation — all without congressional authorization, as required by the U.S. Constitution.

Perhaps the best argument against the Iran deal itself was that the Senate shirked its constitutional duty. 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.) authored a bill that stood the Constitution on its head. His legislation flipped the necessity of a president obtaining the vote of two-thirds of the Senate to gain treaty ratification, 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, the president would submit the measure (which Obama insisted 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 have simply vetoed the act of disapproval.

Constitutionally, Congress had no authority to transfer its powers to the president. How Corker and others in Congress could have willingly given up their constitutional powers is suspicious and disturbing. Writing in *The New American* at the time, Senior Editor William F. Jasper concluded that it was due either to “incompetence or skullduggery.”

Whether the Iran deal is, as a practical matter, a good deal or a bad deal, is certainly important. And Trump has at least made a small move in the right direction in turning the deal back over to Congress, where it belongs. (Actually, the clear wording of the Constitution places the legal authority to approve or disapprove with the Senate.) This is an admirable exercise of presidential restraint, highly unusual for any president, at least since the days of Theodore Roosevelt.

As a practical matter, Trump’s reasons for decertification of a deal with Iran should have absolutely nothing to do with what Assad did or did not do in Syria, or how the Iranian regime treats its own people. We can certainly sympathize with the Iranians living under that hellish government, but citing such considerations in a nuclear weapons deal is yet another example of the “policeman of the world” attitude that has infected presidents for decades — an attitude that Trump rightly condemned during the 2016 presidential campaign.

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