



Written by [Steve Byas](#) on July 19, 2017

Trump Defers to Advisors on Iran Deal – Again

When he was running for president, Donald Trump roundly criticized the Iran nuclear deal of President Barack Obama. But regardless of whether it was a bad deal or a good deal, or whether the United States should even have been a party to the deal, there is no question that the Obama administration circumvented the U.S. Senate when signing onto it, nor is there any question that the U.S. president is required to periodically inform Congress about whether Iran is abiding by it. President Trump did this earlier this week when he certified — for the second time — that Iran is in compliance.



Trump has reportedly told his aides that he will not keep doing so. He has also reportedly been persuaded to provide certification up until now by his advisors. But of course, so long as the president makes this determination, he should do so based on whether Iran is actually complying, not based on any political considerations. As of now, Iran reportedly is in compliance.

The law dictates that the president notify Congress every 90 days as to whether Iran is following the deal, which lifted international sanctions in exchange for Iran “limiting” its nuclear program. Critics of the deal argue that there was very little limitation placed upon Iran in the Obama-Kerry deal of 2015.

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According to reports, Trump was inclined last week to nix the deal, but all of his security and foreign policy advisors talked him out of doing so. These officials included Secretary of State Rex Tillerson; Secretary of Defense Jim Mattis; National Security Advisor H.R. McMaster; and General Joseph Dunford, the chairman of the Joint Chiefs of Staff. After almost an hour of Trump’s expressing his desire to refuse to certify, he was finally talked into certifying. Anonymous sources said that Trump continued to press Tillerson later in a separate meeting that there should be no certification.

Three months ago, Trump balked at certifying Iran’s compliance with the deal, but was promised that if he would, his advisors would develop a plan to confront Iran, and address Trump’s concerns. But they failed to do so, arguing for more time to work with allies.

Some experts have speculated that Trump wants to provoke Iran into withdrawing from the agreement. Iran’s Foreign Minister Mohammad Javad Zarif has expressed displeasure at Trump, alleging that he has pressured businesses not to trade with Iran, in what Zarif says is a violation of the agreement. He later told the globalist Council on Foreign Relations (CFR) in New York earlier this week that he has never spoken with Tillerson, although he spoke with former Secretary of State John Kerry quite often.

Obama adopted the Iran Deal as an “executive agreement,” rather than a treaty, which must be approved by two-thirds of the Senate. Globalists have long desired to strike down the constitutional requirement that two-thirds of the Senate must concur with any international agreement before it is considered law. The CFR (an organization formed in the aftermath of President Woodrow Wilson’s



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failure to push the United States into a world government via the League of Nations after World War I) first called in 1928 for the elimination of the two-thirds requirement, recognizing it as a formidable obstacle to their one-world plans.

Unable to amend the Constitution to make that happen, presidents in the past several decades have resorted to “executive agreements” instead. Compliant Senates have willingly abandoned their constitutional power to approve agreements with foreign governments, allowing presidents to get away with this usurpation.

Regardless of what one thinks of the merits of the Iran Nuclear Deal, it should have been submitted to the Senate and obtained a two-thirds approval.

It should also be emphasized that even were the president able to obtain a two-thirds concurrence from the Senate, any treaty so approved is constitutional only if it does not violate the U.S. Constitution. A treaty cannot be used to amend the Constitution. The Framers of the Constitution provided the process by which it can be amended (in Article V), and amendment by treaty is not mentioned.

Thomas Jefferson, while serving as the third president of the United States, addressed this issue directly in 1803. “I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution.”

Treaties are a form of federal law, and international agreements are not law unless they are approved by two-thirds vote of the Senate. Otherwise, a president could simply make law through a treaty. Article I of the Constitution gives all power to make law to Congress, and none to the president.

Unfortunately, Trump has blinked twice now to make that very point. Instead of certifying or not certifying Iranian compliance with the deal, he could submit it to the Senate, and put a fork in it if it failed to get the constitutional two-thirds vote, or he could just jettison the agreement reached by Obama and Kerry, and open up his own negotiations, if he wished.

Perhaps Trump was sincere in his condemnations of the Obama deal with Iran, but if he was, it does not make any difference if he is not strong enough to override his advisors.

During the early weeks of the Reagan presidency, his secretary of state, Alexander Haig, asked him to sign off on continued negotiations for the Law of the Sea Treaty. The treaty held that the resources of the oceans are the common property of all nations, and should be under the control of the UN. Reagan told Haig that he did not like the treaty, and ordered him to suspend negotiations.

Haig was stunned, and told Reagan that the negotiations had been ongoing for years and several recent presidents were all for it.

“Well, yes,” Reagan responded. “But you see, Al, that’s what this election was all about.”

The treaty was never submitted to the Senate by Reagan, basically killing the deal for the past 37 years. And as Trump himself did with the Paris Climate agreement, he should not worry what internationalist advisors think, and instead do what he said he would do during his campaign — Put America First.



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