
The Iran Deal Needs Bipartisanship

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The Argument

President Obama, a one-term senator, enjoyed a brief reprieve from his Capitol Hill colleagues when he entered the Oval Office in 2009. But any respite from legislating was short-lived at 1600 Pennsylvania Avenue.

As president, Obama has shown distaste for congressional checks on executive power, and an unwillingness to entertain bipartisan concerns from policymakers. In spite of his work as a constitutional law professor at the University of Chicago, and while paying lip service to the U.S. system of checks and balances in office, he is now rebuffing what he deems **interference** by legislators, as Congress readies its review of the **Joint Comprehensive Plan of Action** — a nuclear deal with Tehran that is receiving **bipartisan** criticism on the Hill.

Obama may be correct that the nuclear deal is of such consequence for peace that it merits one-branch domination over another. He might cite Woodrow Wilson, another university professor, who wanted to join our European allies in the League of Nations, only to be stymied by Congress. Was it *because* the United States refused to give up its decision-making authority (i.e. make concessions to an international body) that war occurred? Perhaps. But what if this is the wrong analogy?

In a statement about the nuclear deal on July 14, 2015, Obama **said** that “no deal means a greater chance of more war in the Middle East. Moreover, we give nothing up by testing whether or not this problem can be solved peacefully.” How? By making concessions to Iran in return for pledges of cooperation. Alan Kuperman of the University of Texas **points** to a similar argument that led to ceding Germany a big chunk of Czechoslovakia, which enhanced Nazi wealth and power, to obtain “peace for our time.” By refusing to stand strong and risk a small war in 1938, we got a much deadlier one a short time later. “Congress should keep this history in mind as it contemplates appeasing Iran,” **according to Kuperman**.

The Case for Bipartisanship

A struggle for power, among competing centers, to choose *which* narrative of history to use in decision-making, a belief in human fallibility, and the need to block a new tyrant from emerging, led the Founders to adopt a separation of powers in the United States.

As recently as 2008, there was a Congressional Oversight Panel (COP). This office reflected the heady bipartisanship that emerged after the September 11 attacks. It was also designed to safeguard against the faulty intelligence underlying the decision-making to invade Iraq, and prevent the misuse of intelligence to justify policies characterized by a lack of congressional input. COP is now buried in a cyber-cemetery, with the rise of partisanship in Washington. But bipartisanship is necessary for any credible agreement with Tehran.

Founded in 2003, the Center for American Progress was one of the left-of-center institutions that preached the gospel of bipartisanship during the George W. Bush years. Denis McDonough, a senior fellow at the think tank, had been senior adviser to Sen. Tom Daschle (D-S.D.). In 2007, Daschle joined with former Majority Leaders George Mitchell (D-Maine), Bob Dole (R-Kans.), and Howard Baker (R-Tenn.), to create the Bipartisan Policy Center (BPC), a centrist organization dedicated to finding common ground on pressing public policy challenges. In a recent **report**, Blaise Misztal, head of the national security program at BPC, writes of the Joint Comprehensive Plan of Action: “This isn’t a deal that prevents a nuclear Iran... It’s a deal that prevents a nuclear Iran for 15 years.”

As Obama's White House Chief of Staff, McDonough has shown less inclination toward bipartisanship. In fact, in his capacity as an Obama administration official, he wrote a **letter** to Senate Foreign Relations Committee (SFRC) Chairman Bob Corker (R-Tenn.), stating that the administration opposed a congressional vote, but would seek U.N. Security Council approval for any agreement. "[W]e do not believe that the country's interests would be served by congressional attempts to weigh in prematurely on this sensitive and consequential international negotiation," he wrote.

In a nominal effort to keep faith with Washington's call for bipartisanship, a "**framework agreement**" announced on April 2 indicated that no sanctions would be removed until Iran complied with measures like intrusive inspections, sharp reductions in its ability to enrich uranium, and other measures the administration said it would use to block Iran's pathways to development of a nuclear weapon. Referencing the Lausanne (Switzerland) framework parameters, Obama **hailed the agreement** as a "historic understanding."

The Nuclear Deal

The Foreign Policy Initiative, (FPI) a new center-right bipartisan think tank, **argues** that by advancing a U.N. Security Council (UNSC) **vote** on the Iranian nuclear agreement, the Obama administration violated its pledge to provide Congress with a meaningful role in reviewing the deal. Instead, FPI argues, the decision ensures the dismantling of the international sanctions architecture with or without congressional approval in a manner inconsistent with earlier pledges. A case can be made that the Obama administration's approach demonstrates "bad faith" with the intent of the 2015 **Iran Nuclear Agreement Review Act**, which authorizes congressional oversight of the deal.

An early version of the Iran Nuclear Agreement Review Act proposed by Corker gave Congress power over *all* sanctions, not just those imposed through legislation; that version proposed that no deal could go into effect without an affirmative vote by Congress. The measure ultimately signed into law by the president reflected a compromise between Corker and Sen. Benjamin L. Cardin (Md.), ranking Democrat on SFRC.

The modifications included limiting the review period to 60 days, and removing language requiring the president to regularly certify that Tehran had not undertaken or supported terrorist acts against Americans. The final bill requires the President to report to Congress every 90 days on Iran's terrorist activities and financing, as well as on progress toward developing ballistic missiles.

The compromise legislation, signed into law on May 22, confines the role of Congress to congress-mandated sanctions, and requires two-thirds majorities in both chambers to override a presidential veto. Nevertheless, it gives lawmakers the option of disapproval and tasks them with congressional oversight prior to implementation.

While the Administration was “not particularly thrilled” by the final passage of the act, White House press secretary Josh Earnest **said** before the vote, it was “the kind of compromise that the president would be willing to sign.” And SFRC Chairman Bob Corker (R-Tenn.) hailed the “true emergence” of bipartisanship on a crucial foreign policy issue.

Bottom Line: Does Congress Have a Role?

In light of the duty of Congress to engage in robust oversight — necessitated by passage of the **Iran Nuclear Agreement Review Act** — Congress can engage White House officials on topics regarding effective implementation of the nuclear agreement. A number of issues have yet to be addressed satisfactorily:

- How the major powers verify the Iranian regime's attempts at: **overt and covert breakout**, as Kuperman discusses in his piece for the Institute for Policy Strategy, an Israeli think tank, titled "Iran Nuclear Deal Unlikely to Halt Regional Proliferation." And then there is **creepout**, as Gary Gambill discusses in *The National Interest*: "Cheating is more likely than a full-scale race for the bomb."
- How Washington holds Iran's feet to the fire across the Middle East in places such as Lebanon, Syria, Palestine, and Yemen, and prevents the regime from using **funds released from agreeing to the accord for funding its proxies**.
- Because ballistic missiles are most relevant against populations rather than armies, how Washington intends to address **Tehran's ballistic missile capabilities**, once an agreement is in place, and what this approach means to key U.S. allies.

As Congress takes a deep dive into the agreement, members might keep in mind that the Iranian regime is not a permanent fixture of the Middle East landscape. The president's false dichotomy between war and negotiations is artificial and makes for bad policy.

As John Hannah, Senior Fellow at the Foundation for Defense of Democracies, **observed** for Shadow Government: "Short of an actual military attack, a credible threat to use force laced with the prospect of regime change has also produced important results in denuclearizing rogue states..."

The Iran Nuclear Agreement Review Act requires that Congress engage in robust oversight of the Joint Comprehensive Plan of Action, and all options should be on the table. The country is well served by vigorous, bipartisan discussion between the executive and legislative branches and when neither side is able to dictate outcomes alone.

The failure of the president to embrace bipartisan concerns will result in the implementation of a bad agreement, and, ultimately, undermine congressional responsibilities.

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