

Power without accountability

By [Benjamin J. Dueholm](#)

August 9, 2015



When [word came late last week](#) that Chuck Schumer would vote to disapprove of the nuclear deal between Iran and five world powers, it represented the gravest threat so far to the hoped-for signature foreign policy achievement of President Obama's second term. Schumer, as a leader of the more hawkish faction of Senate Democrats, would (the theory goes) make it easier for other Democrats to break with the president and side with [the groups furiously lobbying against the deal](#). If enough of them join the Republican caucus to vote to disapprove of the deal—and then to override the presidential veto that will certainly follow—the deal will be effectively dead.

Opponents of the Iran deal have painted vivid pictures of what will happen if it's approved: billions of dollars of sanctions relief buoying a regime bent on cheating on its own agreements and threatening Israel. Supporters have stressed the foreign-policy calamities that await if the deal is killed: an international sanctions regime that collapses on its own, with no inspections of Iran's nuclear facilities in place and the threat of war looming on the horizon.

There will be another set of consequences as well if a sitting president finds his negotiated agreements with foreign powers overruled by Congress. In a parliamentary system, a vote against this deal would amount to a vote of no confidence in the government—forcing a new coalition to form, or new elections for a new parliament. The American system of government doesn't work that way. If Congress kills the deal, Barack Obama will still be president.

He will be unable, however, to fulfill his responsibilities as our head of state in representing the nation on the world stage. Nothing the Obama administration agreed to with France, Germany, or the UK (three of our negotiating partners in the Iran deal) could be credited by their governments, much less those of more hostile powers like Russia and China. No one will be able to assume that the U.S. can make binding agreements, because Congress—while not a party to the negotiations—can intervene at its discretion to alter or abrogate them.

This conundrum suggests to me a radical measure for our system of government, though something quite routine in a parliamentary system.

If Congress kills the deal, Obama and Vice President Biden both resign. Next in succession is House Speaker John Boehner—who, having thundered against the deal as appeasement and failure of the highest order, would then have the responsibility of calling up David Cameron and Angela Merkel to explain why he spiked a deal they worked hard to make. It would be President Boehner's job to rally the UN to preserve sanctions long enough to force new negotiations, and his job to see these negotiations through to a conclusion that could win approval from both Iran's hardliners and those in his own House.

And if all this proves impossible, it would be President Boehner's job to issue dire threats or mine the Strait of Hormuz or whatever else it is he thinks presidents should do in such a circumstance.

A second best (and more plausible) possibility would be for Secretary of State John Kerry to resign after the embarrassment of being repudiated by his own nation's legislature and for Obama to nominate a prominent Republican hawk to the post. That way the deal's opponents would be on the hook in some small way for the consequences, and any conceivable future course of action might be more likely to secure the grudging support of Congress. If I had the president's ear right now, I'd tell him to threaten Boehner with just such a nomination. That, however, won't happen either.

This is not an original idea. In the depths of the 2011 budget negotiations, [Matthew Yglesias suggested a joint resignation](#), forcing Boehner to defend his own budget from the position of president. It's just a thought experiment, of course. But it highlights a growing problem with our governing institutions. Power and accountability do not go together in our system. Chuck Schumer may be able to kill

a deal negotiated by the executive branch, but it will always be remembered as the president's failure. And neither Schumer nor Boehner nor anyone else who votes against the deal will be accountable for handling the aftermath. Yet all of them are elected and have their own claims to legitimately speak for the nation.

So quite apart from the international repercussions, we can see in this situation the shape of constitutional crises to come. At some point the issue will be even more dire and the impasse between the branches of government more costly. And then we'll be in trouble.