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Borrowing Obama's Legacy

By Steve Bakke  March 10, 2021



Democrats are anxiously trying to regain power and control of an electorate that was beginning to see the advantages of gaining freedom through less government. Employment was up, labor participation rate up, wages up, unemployment way down, consumer optimism up, and economy booming. These trends were being experienced by the poor and minorities as well as the affluent. It was interrupted by the pandemic, and then came a new administration.

Biden entered office, dozens of executive orders were signed, and democrats began racing away from anything that had Trump fingerprints on it. Obama's prints, and other democrat prints as well, also appeared on many of these out of favor policies, especially those involving border security and immigration. And the impatient Biden administration is already looking for ways to borrow from Obama's legacy.

For Biden the candidate, and now as president, the Iran Nuclear agreement provides a dramatic way to associate with the Obama era, and Americans should pay close attention. That was the "arrangement" that Obama barely managed to squeeze into by executive action, and which Trump wisely voided.

Obama's actions relative to the 2015 Iran nuclear agreement telegraphed a desire to make an Iran agreement his legacy, the cornerstone of his presidency. He argued that this nuclear deal was the only way to avoid war. But wait, there was no deal. There was no agreement. Let's review some important concerns.

President Obama personally signed the agreement because of bipartisan opposition in the Senate led by democrat Senators Schumer and Menendez. Menendez accurately argued the agreement wasn't based on "preventing nuclear proliferation, but on managing or containing it." Obama decided "go it alone," bypass Senate ratification, and sell it to the U.N. But either way, there was an important missing ingredient, Iran never signed the agreement. Despite Obama's "facilitating payments" to Iran, possibly totaling up to \$150 billion, there was no agreement. Iran shrewdly refused to sign, probably making the arrangement unenforceable.

The provisions of the arrangement were foolish and unacceptable. The U.S. was excluded from direct involvement in the verification process, and nuanced rules for objections and appeals made timely monitoring and enforcement impossible. Complicating the problem, Iran had the ability to declare military locations “off-limits,” and Russia or China, individually, could void any penalties brought against Iran. There’s a long list of concerns.

Cash incentive payments, missing signature, ineffective verification – who was calling the shots? Not the U.S. or Europe. Trump recognized the weakness of this faux agreement, wisely voided our involvement in 2018, and imposed sanctions on Iran.

Prior to Trump voiding the agreement, Iran enjoyed healthy GDP growth, even as violations piled up. Trump’s action halted that growth, and sanctions put Iran “on its heels.” Even though some European countries balked at Trump’s actions, many European businesses followed America’s lead. Removal of the sanctions by Biden would be foolish because they worked. Iran is isolated, virtually bankrupt, and losing ground.

While Biden may be committed to reenter the agreement, most experts doubt it can be reinstated. There’s not much of it left, and Trump engineered other important alliances in the Mideast, such as the Abraham Accords, in which relations between Israel, UAE, and Bahrain were normalized. Trump’s efforts created reason for hope in the Mideast and strengthened the ability to oppose Iran’s belligerence.

Biden’s only effective alternative is to maintain the sanctions and confront Iran with a new agreement. We must learn from previous mistakes and make sure Iran’s nuclear weapons program is halted, not just slowed, and the U.S. must be part of a vigorous monitoring effort. This should include access to all military facilities. And this time we must put an end to all enrichment, and eliminate ballistic missile development, the delivery system for a nuclear warhead. Obama’s deal permitted limited enrichment and ballistic missile development.

The leverage created by Trump’s policies should be used. Sanctions must continue and Iran should no longer be making any of the rules. This time it should be structured as a strong enforceable treaty, requiring bipartisan ratification in the Senate.

Biden should ignore Obama’s failed effort in Iran. Trump’s actions to void the agreement, along with implementing economic sanctions, have provided us with a second chance for success.