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## Here's Why Republicans Love Tom Cotton's Letter To Iran

By Zach Carter

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WASHINGTON -- What's remarkable about the debacle over Sen. Tom Cotton's (R-Ark.) letter to Iran isn't [his hard-line policy stance](#), the unorthodox political maneuvering or even the GOP's [cavalier approach](#) to so serious a foreign policy issue. In fact, Cotton has been doing genuinely wild things in foreign policy since his earliest days in Congress. His elevation to a Senate ringleader -- one who appears to be taking very little internal GOP heat for a stunt that has damaged the party's reputation -- isn't really about leadership or governing at all. It's a sign of something much deeper than the letter: that deeply hawkish establishment Republican donors have demolished the small-government, war-skeptical tea party wing of the GOP that seemed ascendant just a few years ago.

In May 2013, then-freshman Rep. Cotton made his legislative foreign policy debut, offering the first amendments of his career in a House Foreign Affairs Committee markup session for what the GOP had dubbed the Nuclear Iran Prevention Act of 2013.

Cotton proposed an amendment that would significantly expand the list of Iranians subject to U.S. sanctions, based on nothing more than familial identity. Any relative to the "third degree of consanguinity" of the elite Iranians already on the sanctions list would automatically become subject to the same economic restrictions. In other words, as Cotton put it: "parents, children, aunts, uncles, nephews, nieces, grandparents, great grandparents, grandkids, great grandkids."

"There would be no investigation," Cotton said during the hearing. "If the prime malefactor of the family is identified as on the list for sanctions, then everyone within their family would automatically come within the sanctions regime as well."

The idea was to prevent anyone already being sanctioned from shuffling assets to loved ones in order to mitigate the financial sting of U.S. policy. But there is a pretty solid patch of constitutional territory that frowns upon punishing people simply because they are related to

somebody who has done something bad. The "corruption of blood" [clause](#), for instance, restricts Congress from disinheriting the relatives of people convicted of treason.

At the hearing, Rep. Alan Grayson (D-Fla.) became incensed, noting that Cotton's amendment could have implications for criminal prosecutions. While the sanctions themselves are a civil matter, violating them is a crime, punishable by up to 20 years in prison [under Title 50 U.S. Code §1705\(c\)](#). The main function of the U.S. sanctions regime is to bar Americans from doing business with the people on the list. Under Cotton's measure, then, Iranians living in the U.S. who became sanctioned because of their relatives could quickly be deemed guilty of a crime for harmless economic activity -- as could anyone who invested in their businesses or operated their bank accounts. Criminal prosecutions based on familial identity, Grayson said, would run afoul of the Fifth Amendment's due process protections.

The hearing quickly developed into a constitutional debate between Grayson and Cotton, with Cotton insisting, "Iranian citizens do not have constitutional rights under the United States Constitution."

Cotton was already accustomed to taking constitutional cues from the [John Yoo playbook](#). In [his first speech](#) at the Conservative Political Action Conference after coming to Washington, Cotton essentially upbraided President Barack Obama for failing to torture Osama bin Laden's son-in-law, citing the waterboarding of Khalid Sheikh Mohammed as an example Obama had failed to live up to.

"It's possible, I suppose, that we had exploited [the son-in-law] for all intelligence value in just the few hours or days that we had him," Cotton said. "Given that it took years of intelligence, interrogations to learn from Khalid Sheikh Mohammed and other men at Guantanamo Bay that the courier network was still active for Osama bin Laden and lead us to his hiding place, I doubt that we actually fully exploited him for intelligence purposes."

Of course, the Senate Intelligence Committee report on the CIA's torture program concluded in gory detail that torture [didn't actually work](#) -- to say nothing of the constitutional implications.

But Cotton's hard-line views simply weren't in vogue during his early days in Congress. At that time, conservatives had [long been denouncing](#) Obama's "illegal" [invasion](#) of Libya. Obama's 2013 decision to launch strikes against the regime of Syrian dictator Bashar Assad was stymied when he sent the proposal to Congress, thanks to broad Republican resistance in the House. Expansive executive war powers seemed inconsistent with a party message that had been developed in opposition to Obama's "big government." Republicans similarly critiqued the administration's domestic surveillance operations and other civil liberties transgressions. When Sen. Rand Paul (R-Ky.) spoke out against drone strikes in 2013, [public opinion shifted dramatically](#) in favor of Paul's policy stance.

Yet the hawkish Cotton wasn't politically punished for being a blast from the past. In fact, his political ascent has been predicated on it. Sure, he had to withdraw his Iran amendment in May 2013. But neoconservatives including Weekly Standard editor Bill Kristol backed his Senate candidacy, and after vaulting over incumbent Democrat Mark Pryor this past November, Cotton began his stint in the upper chamber with another wild gambit on Iran (with [help](#) from Kristol himself).

The letter that Cotton and his 46 Republican co-signatories sent to top Iranian officials has been a [domestic political trainwreck](#). But as the GOP has circled its partisan wagons around both Cotton and his cohorts, the young senator himself has probably been the biggest beneficiary, his political profile boosted by the cable news circuit.

The controversy has also overshadowed Cotton's call in February for Guantanamo Bay detainees (half of whom the military does not believe pose a threat to the United States) to "rot in hell," and his proposal [to cut off U.S. aid](#) to any allied government that helped resettle a detainee. Stances like these are a pretty far cry from even Paul's, let's say, [evolving](#) calls to end indefinite detention.

The anti-interventionist strain of the Republican Party that elevated Paul to the national stage just a few years ago seems very far away. After the 2014 midterm election blowout, defense hard-liners [consolidated power](#) in key House GOP leadership positions, and the party's [budget proposal](#), released Tuesday, calls for higher defense spending, a poke in the eye to fiscal conservatives in a bill that will never become law anyway.

The disruption caused by the Islamic State surely gives hawks an easier sell to the American public, but the GOP hasn't actually presented a strategy for dealing with the terrorist group other than attacking Obama for not doing enough.

Donors may be a more important factor. The shadow campaigns for the 2016 presidential primary have forced Republicans to seek donors early, and some of the deepest GOP pockets are [very hawkish](#). Not only do those donors [love Cotton](#), their support also makes other leading Republicans think twice about criticizing him or his neoconservative positions. Tom Cotton, in other words, is a product of a party that is getting nostalgic for the spring of 2003. Big government is back in style.

To be sure, there was some libertarian pushback to the Iran letter. Reason's Matt Welch [called Cotton](#) "a surveillance-loving interventionist nightmare," while Cato Institute Director of Foreign Policy Studies [Justin Logan](#) described the letter and the ensuing controversy a "clownshow."

But Logan concluded his essay on a note of resignation: "In a party where the entire foreign policy apparatus has been taken over by neoconservatives, there's no consequence for this sort of statesmanship, if one can even call it that."