



Who Defends Constitution When US Violates Treaties That Govern War?

COMMENTARY

By **Steven E. Hendrix** July 03, 2026
AP

The greatest threat to American security does not always come from abroad. Sometimes it comes when the United States ignores the law it is sworn to uphold.

The recent U.S. strikes on Iran's nuclear facilities, and the international controversy that followed, are only the latest reminder. The United States has no bilateral treaty with Iran governing the use of force between the two countries. It is, however, bound by treaties of general application – including the U.N. Charter, the Geneva Conventions, and the Treaty on the Non-Proliferation of Nuclear Weapons – that establish legal obligations applicable to all states. The debate has focused largely on military effectiveness, regional escalation, and domestic politics. Far less attention has been paid to a deeper question: What happens when the United States acts in ways that appear inconsistent with those treaty obligations, which remain part of American law?

For decades, presidents of both parties have invoked national security to justify actions that strain or bypass international legal commitments. Congress often looks away. The media focuses on politics. The constitutional implications are rarely discussed.

But the Constitution is clear. **Article VI's Supremacy Clause** declares that treaties made under U.S. authority are “the supreme Law of the Land.” That is not symbolism. Ratified treaties carry the force of domestic law, binding presidents and lawmakers alongside federal statutes.

When the United States disregards obligations contained in treaties that bind it generally, regardless of the country involved, it is not merely breaking promises abroad. It may also be violating American law at home. This matters more than many Americans realize.

Three examples illustrate the point. The [United Nations Charter](#), ratified by the Senate in 1945, governs the international use of force, generally permitting it only in self-defense or pursuant to Security Council authorization. The [Geneva Conventions](#) regulate the conduct of hostilities and protect civilians and the wounded. The [Treaty on the Non-Proliferation of Nuclear Weapons](#) establishes legal obligations governing nuclear nonproliferation, safeguards, and the peaceful use of nuclear energy. These are not treaties with Iran. They are treaties that govern the conduct of the United States toward all other nations.

During the recent Iran crisis, U.N. Secretary-General António Guterres warned that “we cannot and must not give up on peace” and cautioned against actions that could deepen regional instability. One need not agree with every U.N. statement to recognize the larger point: The international legal order exists precisely to constrain escalation before crises become catastrophes.

History shows the cost of forgetting that. When the United States has sidestepped international law – from Iraq to torture to selective treaty compliance – it has often gained short-term flexibility while paying long-term strategic costs: weakened alliances, damaged credibility and diminished moral authority.



Audiologists Tested 5 Hearing Aids For 6 Months. Only One Won

[Learn More](#)

Law is not weakness. Law is strategic infrastructure. America's alliances are stronger when other nations trust that the United States means what it signs. Our military is more legitimate when force is anchored in law. Our diplomats are more persuasive when constitutional fidelity matches rhetoric. When America breaks its word, it weakens one of its greatest geopolitical assets: trust.

This is also a structural constitutional problem. The Supremacy Clause contains an enforcement gap. Individual citizens often lack standing to challenge treaty violations. The Supreme Court has generally rejected such claims. But in [Raines v. Byrd](#) (1997), while denying standing to individual members of Congress, the court suggested that institutional injury to Congress itself may present a different question.

That distinction matters. If treaties are supreme law, Congress – especially the Senate, which ratifies them – cannot treat violations as politically inconvenient abstractions. The Senate’s constitutional role does not end when a treaty is signed. The Constitution gives the Senate a unique role in creating treaty obligations. Yet once ratified, those same obligations often become politically orphaned, defended by no institution even though the Constitution declares them to be supreme law. If presidents ignore treaty obligations, Congress has both institutional and constitutional interests at stake.

This is not an argument for legal paralysis. Nor does it mean every treaty dispute belongs in court. It does mean that constitutional government requires seriousness when elected leaders disregard binding law.

The framers understood that credibility abroad and legality at home were linked. A republic that treats law as optional in foreign affairs risks weakening respect for law everywhere.

That danger is growing. As nuclear risks rise, global instability deepens, and unilateralism becomes more tempting, treaty obligations may increasingly be treated as inconveniences rather than law. That would be a profound mistake.

The United States gains strategic advantage when it operates within the legal systems it helped build. The postwar order expanded American power not simply because America was strong, but because American strength was tied to legitimacy.

Ignoring treaties may seem expedient. But expedience can erode constitutional order. The Supremacy Clause was written for precisely such moments – when power tempts leaders to place immediate objectives above enduring law.

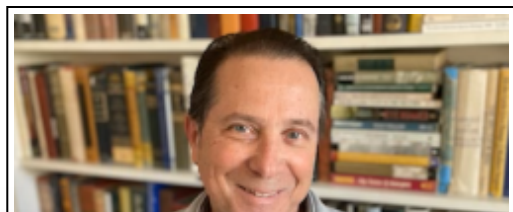
America’s strength has never rested on power alone. It has rested on a constitutional order that binds power to principle. The framers understood that a nation that casually disregards its legal commitments abroad will eventually weaken respect for law at home. When we violate treaties, we do more than undermine international law. We place ourselves in the extraordinary position of disregarding our Constitution’s command that those treaties remain the supreme law of the land.

Steven E. Hendrix is the former USAID Coordinator for Foreign Assistance at the State Department, and the State Department’s Managing Director for Planning, Performance and Systems. He was a career diplomat holding senior positions across Asia, Latin America, Africa, and in Washington.

Support RealClear, Independent Journalism

RealClear Media Fund

“Information wants to be free!” was a rallying cry at the dawn of the Internet Age. The paradox is that information also “wants to be expensive.”



At RealClearPolitics, we provide news and information spanning the ideological spectrum—without a paywall. That's the "free" part.

But producing quality journalism means paying reporters, editors, aggregators, tech team, and the analysts who curate RCP's renowned polling averages. That's the expensive part.



Carl Cannon, RCP Executive Editor

If you value independent news and seeing a diversity of viewpoints, **please consider making a tax-deductible donation to RealClear Media Fund**. Every dollar you donate is an investment in an informed public discourse and holding government and other key institutions accountable. Your support helps us put First Amendment theory into real-world practice.

Donate Now

Sincerely,

Carl Cannon
Executive Editor
RealClearPolitics