



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

[fff@fff.org](mailto:fff@fff.org) [www.fff.org](http://www.fff.org)

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## **U.S. Senators Are the Real Cowards**

**by Jacob G. Hornberger**

The Pentagon has gracefully decided to [reduce criminal charges](#) brought against Army Sergeant Andreas Pogany from “cowardice” to “dereliction of duty.” That’s right — cowardice is a criminal offense under U.S. military law, punishable by death or incarceration and dishonorable discharge. What did the good sergeant do to warrant such a dastardly and dangerous accusation? Upon seeing an Iraqi soldier cut into pieces by machine-gun fire, Pogany experienced a panic attack and suffered vomiting and dizzy spells, and became convinced that the same thing was going to happen to him. Seeking help from the Army, he was hit instead with criminal charges and returned to the United States to face trial.

Meanwhile, back at home, the members of the U.S. Senate are undoubtedly thanking their lucky stars that the Pentagon doesn’t have jurisdiction over them because otherwise they’d likely be facing a charge of cowardice too, on two counts: (1) the unconstitutional grant of congressional power to declare war on Iraq to President Bush in October 2002, and (2) the intentional refusal to appear for a vote on the president’s recent \$87 billion appropriations bill to pay for the U.S. occupation of Iraq.

Under our Constitution, which the members of the U.S. Congress take an oath to support and defend, the president is precluded from waging war without an express declaration of war from Congress. In October 2002, the members of the U.S. Senate, along with their counterparts in the House of Representatives, voted to delegate their power to declare war to the president, thereby effectively washing their hands of any responsibility for the death and destruction that a war would bring both to the United States and to the Iraqi people.

That abrogation of constitutional responsibility was done amidst tremendous patriotic fervor. “We’re supporting you and the troops, Mr. President, which is what every flag-waving, patriotic American should be doing,” was the common refrain among those members of Congress voting in favor of the resolution.

What was the real reason that the good senators and representatives ran away from their constitutional duty? Cowardice, plain and simply. No, not because they had seen enemy soldiers

or even U.S. soldiers chopped up by machine-gun fire but instead because of an impending event that instilled a paralyzing fear within them: Election Day, November 5, 2002. The prospect of being held responsible by the electorate for holding up the president's wish to invade and occupy Iraq caused the members of the U.S. Congress to engage in what the Pentagon described in the Pogany case as "cowardly conduct as a result of fear."

What was the cost of that congressional cowardice? If they had done their job, as the Framers envisioned, the members of Congress could have required the president to produce the evidence of Saddam Hussein's weapons of mass destruction, which the president used to scare the American people in his attempt to garner public support for his decision to invade Iraq. Once it became clear that no sound evidence existed, the Congress could have then proceeded to debate and evaluate the president's ever-changing alternative rationales for his war — i.e., liberation, democracy, terrorism, etc.

In other words, if the members of Congress had not permitted their fear of upcoming elections to paralyze them from fulfilling their constitutional responsibilities, our country might never have engaged in an elective invasion and war of aggression and military occupation that have already killed or maimed thousands of Americans and Iraqis and, of course, continue doing so, not to mention the threat of terrorist responses here at home to the invasion and occupation.

Moreover, the economic security of our nation might not now be threatened by the uncontrolled spending binge on which the federal government has embarked because of the Iraq war. Which brings up the most recent [case of cowardice](#) by the members of the U.S. Senate. When the president's \$87 billion appropriations bill to fund the continued occupation of Iraq recently came up for vote in the U.S. Senate, 94 U.S. Senators — including those who were leading the charge to blindly and unconstitutionally support the president one year ago — were again overcome by a paralyzing fear of the electorate, causing them to run away from the battlefield, cowering in fear somewhere in their offices or homes.

How were only six U.S. Senators able to approve such an important bill? Apparently those 100 men and women, who blindly and "bravely" entrusted the lives of U.S. soldiers to the president, have enacted a rule that enables them to approve even vitally important bills on a "voice vote," even if the voices consist of only 6 out of 100 U.S. Senators.

Why were so many U.S. Senators cowering in fear and avoiding the Senate battlefield? The answer was provided by the *New York Times*: "Not voting on the record appealed to both Republicans nervous about explaining the amount to their constituents, and Democrats who did not want their patriotism questioned for opposing the bill."

The Army was right to reduce its charges against Sergeant Pogany because it's not at all surprising for someone to have an adverse psychological reaction to seeing a human being shredded to pieces by machine-gun fire. But what excuse do the members of the U.S. Senate have

for their cowardly conduct? Maybe the Pentagon should use some of that \$87 billion to purchase yellow stripes for the backs of U.S. senators.

*Mr. Hornberger is founder and president of The Future of Freedom Foundation.*

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