

## Looking at Iraq

by John R. MacArthur

THE CRAMPED little gift shop on the Senate side of the U.S. Capitol offers only one book for sale by a sitting senator—a slim red volume misleadingly entitled *The Senate of the Roman Republic*.

It's misleading because its author, Sen. Robert C. Byrd (D.-W.Va.), composed it not as straight history, but as a cautionary tale about the death of the Roman Republic—a heartbreaking story of self-inflicted decline, intended by Byrd to galvanize Americans into defending their constitutional treasures.

The book (really 14 speeches) is urgently worth reading. But if, at the end of Byrd's funeral oration for Roman self-government, the reader remains unmoved—unconvinced that the American republic is threatened by incipient tyranny—that reader might stroll around the corner to the end of a magnificent frescoed corridor and into the high-ceilinged office of the 85-year-old senator to be convinced in person.

That's where I found him the other week, fresh from yet another in a year-long series of remarkable speeches denouncing the Bush administration's invasion of Iraq and "policy based largely on propaganda, hype and prevarication."

Addressing his colleagues on Oct. 17, Byrd had outdone himself rhetorically—and come as close to losing his temper as his ingrained courtliness would permit. Railing against the \$87 billion supplemental-appropriations bill for occupation and "reconstruction" in Iraq, Byrd reprised the fairy tale "The Emperor's New Clothes" to illustrate how the country had been marched into war by a Praetorian Guard of confidence men, egged on by a president's vanity—and how the con game persists.

"We were frightened with visions of mushroom clouds, but they turned out to be only vapors of the mind," thundered the senator. "We were told that major combat was over but 101 [136 as of yesterday] Americans have died in combat since that proclamation from the deck of an aircraft carrier by our very own emperor in his new clothes.

"Our emperor says that we are not occupiers, yet we show no inclination to relinquish the country of Iraq to its people."

Byrd has been speaking since September 2002 to a Senate Chamber as bare of people as the emperor was of garments. Largely ignored by war-fevered Republicans and most of the "sheep-like" Democrats—as well as the media—Byrd this time hit home with his scathing eloquence.

An angry rejoinder—at once nasty and ignorant—came from Alaska Sen. Ted Stevens, the Republican chairman of the Appropriations Committee: "Think of the young men and women in Iraq. . . . They get [your speech] on C-SPAN. Think of what they are thinking when a senator says they are over there because of a falsehood, because the president of the United States lied. . . . Those who vote against this bill will be voting against supporting our men and women in the field."

Unsurprisingly, Stevens expressed childlike faith in the president's fairy tale. Unsurprisingly, Byrd responded: "Let the record not stand with the senator's words . . . that those who vote against this bill are voting against the troops. I defy that statement . . . and hurl it back into the teeth of the senator from Alaska. . . . "There are millions of people out there. . . . there are many men and women in Iraq who believe that we who vote against this bill today speak for them. . . . Yes, I voted against sending troops into Iraq. Yes, I am one of the 23. And if I had it to do over again, I would vote the same way again—10 times, 10 times a hundred, against this doctrine of pre-emptive strikes. Fie on that doctrine! Fie on it!"

On this occasion, Oct. 17, the dean of the Senate was one of the 12 to vote no to the \$87 billion bill for Iraq.

A more sedate Byrd received me in what was once the studio of Constantino Brumidi—creator of the corridor frescoes and much other Capitol art. But his anger still smoldered.

The Senate, he said, had “lost its way” when it passed the war “authorization” bill, on Oct. 11, 2002—in direct contravention of the intent of what Byrd calls the Forefathers. The law is unconstitutional, he said, because it handed over Congress’s war-declaring power to the president, who has thus become war legislator and war commander.

“[This] pernicious doctrine of pre-emption cannot be constitutional,” said Byrd, “because the Framers thought it was wise to put the making of war and the declaring of war in different hands . . . so that such a momentous decision could not be made by one man, but by many. We placed the declaring of war in the hands of one individual—out of 275 million, one man was to declare war. . . . the lives of untold thousands, men and women, were placed in that one man’s hands. The Framers would have been really disturbed.”

And they would have been horrified by the Senate’s decline as an institution. Byrd refuses to criticize his colleagues by name, but it’s not hard to discern his disgust.

The passage of the law, he said, “represented more than just intimidation and fear of reprisal at the polls. It represented a trough: The Senate was silent. [The senators had] lost this quality of pride and dedication to something that’s higher than politics, than Bush being elected and re-elected: the higher goal of service to the nation, the recognition of the Senate’s place [as] the bedrock of the constitutional system.”

By contrast, said Byrd, “Roman senators served without pay. They believed that service to the state was of the highest order.” Today’s U.S. senators are no longer grounded in Greek and Roman literature, or even the Federalist Papers, and thus lack “a deeper feel of what makes the senator in the Senate.”

“They’re very bright,” said Byrd of the younger generation, “well read as to current events. And they’re quick on their toes—they come up with the 10-second sound bites. Whereas it takes me several minutes to say, ‘Howdy.’ I try to think before I speak.”

Along with reflection, the senators’ civility has deteriorated. When the unprepossessing Byrd was first sworn in to the “more genteel” Senate of 1959, “there was not so much the partisan bitterness, not so much the fighting, the slash and burn that you find today. Those senators were here because they wanted to be senators, not because they wanted to be president.”

What’s more, he said, they took seriously the Senate’s responsibility set forth in the Constitution to debate, at length, and amend, at will, the bills sent up from the House of Representatives.

Policy aside, Byrd was outraged that the war-resolution bill had passed with so little discussion, and no “sunset” provision—which would at least have forced Bush to return to Congress for re-authorization of his invasion.

Byrd’s own 12-month sunset amendment to the war resolution garnered just 31 votes. “That was absolutely amazing,” he said, “that senators—especially Democratic senators—would vote against sunsetting the provision. I think [they] were intimidated by the false cry of being seen as unpatriotic.”

Byrd understands from experience the danger of open-ended war resolutions. Having been misled into voting for Lyndon Johnson’s fraudulent Gulf of Tonkin resolution, in 1964, he wasn’t about to be fooled again. And the current law is even worse, he said, because at least the Tonkin Gulf “authorization” specified Congress’s right to terminate military action.

In the senators’ fawning deference to Bush, Byrd sees “a kind of subliminal hero worship, or feeling that the White House and the occupant thereof are clothed with the vestigial raiments of royalty.”

“The president,” he said, “is just another hired hand, like I am.” In fact, Byrd pointed

out, under the Constitution “the Senate can send [the president] packing, but the president cannot send the senators packing.”

Yet in ancient Rome, that’s just what the tyrants Julius Caesar and Mark Antony did to the Roman Senate. And if the fall of democratic Rome is any guide, then the American republic is in grave danger.

It’s no coincidence that Byrd’s year-long rhetorical tour de force bears a strong resemblance to the speeches of Cicero. The analogy isn’t perfect, but Cicero also saw himself as the principal defender of the Senate as institutional bulwark against a military usurper. Eight days before Caesar crossed the Rubicon, Antony, as tribune, had vetoed a Senate proposal to declare Caesar a public enemy if he refused to disband his army.

“You rejected all efforts to open negotiations with you about upholding the authority of the House,” Cicero wrote, in the most celebrated of his Philippics against Antony. “Yet the matter at stake was nothing less than your itch to plunge the whole country into anarchy and desolation. . . . You, Antony, were the man who provided the pretext for this most catastrophic of wars.”

Does this sound familiar?

“Vote to save your country,” Byrd exhorted his colleagues when he clashed with Senator Stevens. “No commander in chief brought me here, and no commander in chief is going to send me home. My first and last stand by which I live and by which I hope to die is this Constitution of the United States.”

Antony had Cicero murdered for his defiance. I fear that Byrd and his ilk are being killed by silence.