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# Lt. Col. Vindman is a Patriot

By Joshua Kastenber

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When a civilian becomes a commissioned officer in the United States Armed Forces, she or he swears an oath to uphold the Constitution. Indeed, the language of the oath is unique as evidenced by this section: “I \_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion ... .”



This oath means that Lt. Col. Alexander Vindman had a duty to report activity he considered to be legally questionable and was within this duty to testify before Congress (“White House Ukraine expert sought to correct transcript of Trump call,” New York Times, Oct. 30). Twice between 1975 and 1980, the Supreme Court determined that it is unconstitutional to restrict military personnel from addressing Congress, and the Constitution’s framers expected military members to do so.

Under the Constitution, while the president is commander-in-chief of the U.S. Armed Forces, Congress has a significant oversight role, including the authority to “make rules for the government and regulation of the land and naval forces.” Since the beginning of our nation, Congress has possessed the power to call military officers to testify on matters of military readiness as well as national security. From President George Washington’s time in office to the present, history is replete with examples of officers testifying contrary to an administration’s policies. This occurred during the Civil War and in both world wars. Thus, Lt. Col. Vindman fulfilled his constitutional duty in testifying, whether he appeared voluntarily or Congress called him to do so.

The attacks on Vindman are troubling, not merely because they are insulting a decorated officer who served in harm’s way and was indeed harmed. Nor are claims that Vindman owed loyalty to Ukraine over the United States the only source for concern, though this blatant bigotry ought to be universally condemned.

The attacks on Vindman, particularly by the president, his inner circle and his key supporters are unconscionable for another reason: Their assaults on Vindman also are an attack on an officer’s constitutional obligation. Vindman was not a spy, although University of California, Berkeley law professor and former Bush

administration lawyer John Yoo, who supports President Donald Trump's use of power, called him this.

In 1967, Gen. David Shoup, a former U.S. Marine Corps commandant and World War II Medal of Honor recipient, informed Congress that President Lyndon Johnson's rationales for sending military forces into Vietnam were wrong and the administration's claims of a nearby victory nothing short of a lie to the public. He repeated these claims against President Richard Nixon. So, too, did World War II decorated commanders such as Gens. James Gavin and Matthew Ridgeway oppose both Johnson's and Nixon's policies in Vietnam.

The warnings of Gavin, Ridgeway and Shoup proved correct. Yet, a number of congressional supporters of the Vietnam War claimed these three men had committed treason. Instead, Shoup, Gavin and Ridgeway brought a unique perspective to the public so that Congress could decide whether two "unchecked presidencies" ought to be "checked." The word "check" is appropriate here, because our federal government exists on a system of checks and balances so that the presidency does not become a tyranny.

Lt. Col. Vindman did not violate any precept of law or custom of military service. To the contrary, he fulfilled a difficult constitutional duty expected of him. To this end, he is a patriot who leads by example, and the Congress, as well as the nation, owes him a further debt of recognition.

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