Written by **Thomas R. Eddlem** on February 19, 2010

CPAC, the JBS and Conservatism's Real Fringe

One frequent news angle in stories regarding The John Birch Society's sponsorship of this week's ongoing CPAC conference has been the question of whether so-called "fringe groups" like The John Birch Society should be admitted to the conference. Neo-conservatives like David Horowitz, whose website called CPAC's acceptance of The John Birch Society a "monumentally stupid decision," has repeatedly fretted the sponsorship. Horowitz's view is to "Keep the Fringe on the Fringe."

Other "fringe groups" that should be "purged," according to some analysts, include "birthers" (those who dispute President Obama's U.S. birth) and "9/11 truthers" (those who claim that the U.S. government was somehow complicit in the September 11 attacks). Of course, despite the fact that the "birthers" and "truthers" pursue an erroneous train of thought, neither would bring government to a course of action that would pick citizens' pockets or violate the U.S. Constitution.

The same cannot be said for the neo-conservatives. Neo-conservatives like Horowitz unnecessarily cheer on expensive wars in the Middle East and attack the U.S. Constitution and its Bill of Rights. That's the real fringe of the current conservative movement. Positions like Horowitz's have led some principled conservatives to boycott the conference altogether. Former Congressman Mickey Edwards explains that he wasn't going to CPAC because of neo-con attacks on the Bill of Rights:

> Stop at CPAC today and you will find rooms full of ardent, zealous, fervent young men and women who believe the government should be allowed to torture (we condemned people at Nuremberg for doing that), who believe the government should be able to lock people up without charges and hold them indefinitely (something Henry VIII agreed was a proper exercise of government authority). Who believe the government should be able to read a citizen's mail and listen in on a citizen's phone calls, all without a warrant (the Constitution of course prohibits searches without a warrant, but nobody cares less about the Constitution than some of today's ersatz conservatives).

While none of what Edwards describes represents The John Birch Society's view (nor does it represent the view of all the groups and speakers at the conference), this was precisely the tone of many CPAC speakers Thursday and will be the tone of others as the conference progresses.

It also represents the views of David Horowitz's writers, who have opposed giving the jury trials (that the Sixth Amendment clearly requires) for detainees in the "war on terror." Incidentally, many of those denied a trial turned out to be innocent, including those who had been tortured by U.S. interrogators with permanent blindness, genital mutilation, anal rape and even death.

This attitude by neo-conservatives explains the warm welcome former Vice President Dick Cheney got at the CPAC conference Thursday. Cheney, who had just finished an ABC-TV interview last weekend endorsing torture (in violation of the Eighth Amendment) once again, received such a warm round of

applause from the CPAC crowd that he remarked: "A welcome like that almost makes me want to run for office."

As far as the U.S. Constitution goes, Dick Cheney merits the label of "Sith Lord" that the left often used to satirize him.

But if erstwhile neo-conservative attendees can be prompted to dust off their long-neglected copy of the U.S. Constitution and read it, they might learn something. That's why The John Birch Society is there this week. The JBS is not seeking legitimacy for itself, but to bring CPAC attendees to a level of legitimacy and consistency with the U.S. Constitution.

One thing neo-conservatives might learn by cracking the binding on their copy of the U.S. Constitution is that the Fifth and Sixth Amendments guarantee that everyone in U.S. custody — even foreigners — a right to trial and due process of law, and that this right has been protected by the courts since at least the Amistad case in 1841:

Fifth Amendment: "No person shall … be deprived of life, liberty, or property, without due process of law."

Sixth Amendment: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

Note that the Bill of Rights is categorical on this issue; it makes no exceptions for foreigners, for military trials or during a time of war. "All" are entitled to a trial by jury, the same jury trial that Cheney and Bush spent seven years trying to deny detainees. Note also the Sixth Amendment requirement that trials must take place in courts "previously ascertained by law," obviating any option for creation of a military commission at this late date to try detainees who have already been imprisoned for as long as nine years. While the Cheney/John Yoo wing of the neo-conservative movement would argue that detainees are under the "law of war," what they really mean is "no law and no Constitution for anyone." After all, it's not just foreigners that the Bush-Cheney regime imprisoned without trial, they imprisoned American citizens as well, fighting for the right to detain American citizens without charges all the way to the U.S. Supreme Court three times (see here, here and here).

CPAC is indeed a case of missionary work for constitutionalist organizations like The John Birch Society. Many conservatives are still stuck in the Dred Scott era, where some persons are legally "non-persons" and not entitled to rights. These conservatives implicitly reject the American Founders who asserted that God gave all men "unalienable rights." If there's a purge to be made from the conservative movement, it shouldn't be the Birchers, birthers or truthers, but instead the wacky fringe that opposes the U.S. Constitution and the Bill of Rights.

Of course, it's better still to persuade them of their errors and grow a larger population who are informed supporters of the Constitution.

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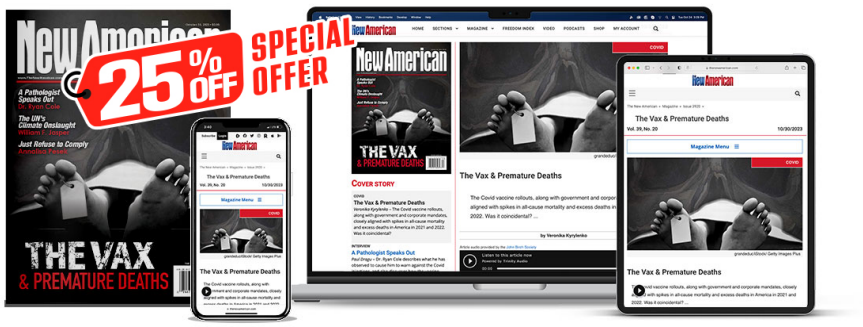

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