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*Nat Hentoff*

## Conservatives Rise for the Bill of Rights!

'Everyone in This Room Is a Suspect'

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**A** significant development in the movement to resist the Ashcroft-Bush dismembering of the Bill of Rights is the growing coalition between conservative groups and such organizations as the American Civil Liberties Union and People for the American Way.

This has been going on—with only marginal attention from the media—since the ACLU organized a broad-based, though unsuccessful, fight to defeat the first USA Patriot Act toward the end of 2001. And it was the conservative Republican libertarian, Dick Armey, then majority leader in the House, who stripped the Orwellian "Operation Tips" out of the Department of Homeland Security bill.

Before retiring from Congress, Armey publicly accused the Justice Department of being "out of control" and "the most dangerous agency of government." That is more than most of the Democratic congressional leadership has ever said.

Moreover, from the beginning of Ashcroft's reign, a persistent critic has been Republican Bob Barr of Georgia, another conservative libertarian. Defeated in the last election, Barr is now a consultant for the ACLU.

On April 2, the ACLU sent a letter to Congress signed by 67 liberal and conservative organizations—ranging from People for the American Way and the American Library Association to Gun Owners of America and Americans for Tax Reform. The head of the latter is Grover Norquist, who has frequent access to the upper echelons of the White House.

Also on board in that letter was the influential American Conservative Union. At the invitation of its president, David Keene, I spoke about Ashcroft's raids on the Constitution at an annual Conservative Union conference earlier this year. It was the first time in *Voice* history that someone from this paper appeared at that gathering.

Then, on April 10, the ACLU hosted a forum called "Discussion With Conservatives: State of Civil Liberties Post 9/11," at which prominent conservative organizations joined publicly with groups from the left for the first time.

Laura Murphy, director of the ACLU's Washington legislative office, set the agenda: "Congress must reconsider some of the measures that were adopted with little debate in the weeks after the terrorist attacks. We are unanimous in our strong belief that Congress must treat with deep skepticism any additional requests for new intelligence-gathering powers."

She was referring, of course, to the startling revision of the Bill of Rights in Ashcroft's 86-page draft of Patriot Act II, leaked to the Committee on Public Integrity by an alarmed and brave member of the Justice Department. Scornfully, Bob Barr calls it "Son of Patriot." (For details of that draft, see "Red Alert for the Bill of Rights," March 7.)

In the April 15 *Dallas Morning News*, Michelle Mittelstadt, who covered the April 10 coalition forum assembled by the ACLU, quoted Mark Corallo, a Justice Department spokesman, as saying that Patriot Act II—officially titled the Domestic Security Enhancement Act—will be sent to Congress later this year. In the draft are provisions for secret arrests and stripping Americans of citizenship for "support" of organizations whose "terrorist" activities are unknown to those who send checks.

I would have thought that this public conjunction in Washington of leading right and left organizations was of sufficient news interest to at least get C-SPAN to cover it. But there was no television coverage at all, and only a few newspaper articles.

The tone of the meeting was reflected in a comment by Lori Waters, executive director of Phyllis Schlafly's very conservative Eagle Forum. She was quoted by Jake Tapper in his valuable, extensive report on the coalition session in the April 11 *Salon*.

At the beginning of her remarks, Waters said, "Everyone in this room is a suspect until it's proven that you're not."

Circulating around the room was the news that Republican senator Orrin Hatch of Utah had introduced an amendment that would make every section of the first USA Patriot Act permanent. That legislation included a "sunset clause" that required Congress to decide in December 2005 whether the act is too far-reaching to be renewed. (Hatch has since, for the time being, withdrawn that amendment.)

It was because of that sunset clause that some apprehensive members of Congress—notably the late Paul Wellstone, Democrat from Minnesota—gingerly voted for the Patriot Act.

Said Grover Norquist of Americans for Tax Reform at the April 10 ACLU session: "I would support legislation that would sunset all legislation passed during a time of war. And I would vote against any legislation somebody felt they had to name 'Patriot.' [Which no one would have felt the need to do] if it were a worthwhile bill. [That name] was used to mau-mau people because it looks bad on a 30-second commercial to have voted against it." Gee, that line could have been in *The Village Voice*.

As Jake Tapper reported, David Keene of the Conservative Union, remembering how Ashcroft so swiftly pushed the Patriot Act through Congress, said, "I don't know that 5 percent of the people who voted for that bill ever read it."

At a press conference after the April 10 meeting, Bob Barr was asked how he and his bipartisan colleagues expected to counter the large public support for the Bush-Ashcroft promises of security in return for giving up individual liberties.

"People need to learn," Barr said, "that we're all subject to having our privacy invaded. . . . These laws will dramatically change the way we go about conducting our society."

They already have, as these conservatives, including Barr, well know. Norquist, explaining his presence at an ACLU-sponsored gathering, told *Salon* that previously he'd thought the ACLU and liberals would take care of threats to the Constitution. But, he said to the *Dallas Morning News*, "I'm not sure given the Republican control of the House and the Senate and the government that we can count on our left-of-center friends to look out for some of these issues."

Especially since most of the congressional Democratic leadership has not been paying attention to diminishing constitutional rights. Grover Norquist told Jake Tapper that in his meetings "with 'friends' in the White House," he brings up the attacks on civil liberties "quite a bit" as "one of the top issues."

But Norquist's impact will not be on the uneducable Bush and Ashcroft, but rather on his fellow conservatives. Or so I hope.



Read more of the *Voice's* coverage of [the attack on civil liberties](#) in post-September 11 America.

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