Coming Crackup Of Conservatives? No Way

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Howard Fineman of Newsweek looked into his crystal ball and proclaimed the coming crackup of the conservative movement. But, to quote Mark Twain, the report of its death is greatly exaggerated.

Fineman methodically ticks off what he thinks are the dying agonies of conservatism's constituent parts. The corporate CEOs, whose religion is Faith in Management, are mortally embarrassed by the Bush Administration's incompetence in handling Katrina.

The Old Right is angry about the Bush Administration's failure to do anything at all about the invasion of illegal aliens. The neocons, who want more troops in Iraq not fewer, more spending on war not less, and more passion for empire not talk of timetables for withdrawal, are despondent about Bush's failure to fulfill their neo-Wilsonian dreams of forcing democracy on the Middle East.

The old-fashioned fiscal conservatives who cherish smaller government are in open revolt about Bush's gigantic spending binges. Bush did stick with the supply-siders, who believe that cuts in tax rates are the basis of a sound economy, but they are already worrying that Bush II will repeat Bush I's memorable tax betrayal and allow the reductions to expire.

As Fineman analyzes current politics, the Harriet Miers nomination was "the final insult" to the religious conservatives because it demonstrates that Bush wants to keep them in the political closet and expects them to be satisfied with a no-paper-trail nominee and the patronizing words "trust me." They think he lacks the will to fight for their causes.

My crystal ball reveals a very different vision of the future. The Harriet Miers nomination is not the "final" anything; it is the springboard to a revitalized conservative movement.

Nor is disaffection about the Harriet Miers nomination limited to religious conservatives, some of whom still trust the President. Every one of the disparate factions in the conservative movement feels betrayed by the President who led his voters to believe he would appoint a justice like Scalia or Thomas.

To understand the across-the-board criticism of the Miers nomination, we should study the new survey just released by the ABA Journal eReport. A majority of Americans agree with the statements that "judicial activism" has reached "a crisis," that judges "ignore traditional morality," that judges are "arrogant, out-of-control and unaccountable," and that judges who ignore voters' values "should be impeached."

The survey questions quoted what the lawyers obviously thought were the most extreme statements made by Rep. Tom DeLay (R-TX), Rep. Lamar Smith (R-TX), and Governor Matt Blunt (R-MO). Nevertheless, the majority of survey respondents came back with answers that said, in effect: Right on; we're fed up with the imperial judiciary.

This was not a poll of religious conservatives; it was a random-sample poll of the general population made by Opinion Research Corporation and commissioned by the American Bar Association. The lawyers who ordered the survey are in shock at the results.

The ABA Journal eReport quotes one constitutional law professor as opining that "the results are simply scary" and suggest "a trajectory" upward in the number of people unhappy with the judiciary. Another professor bemoans the obvious conclusion that the public has lost "general respect for the courts."

ABA President Michael S. Greco views the results as showing a need for the ABA to educate the public about why we should have an "independent" judiciary. But the ABA officials who are so surprised by public dissatisfaction with the judiciary are the very ones who need to be re-educated to understand that we expect judges to respect the Constitution as written, not as they wish it had been written.

Since Harriet Miers was active in the ABA, we wonder if she shares the views of ABA officials that the American people need to be re-educated to accept judicial supremacy.

The American people are justifiably outraged by such recent federal decisions as banning the Pledge of Allegiance from public schools, banning the Boy Scouts from holding their popular Jamboree on government property, banning the marriage amendment adopted by 70 percent of Nebraskans, banning a Ten Commandments monument in a Kentucky courthouse, ruling that video games showing teens how to kill policemen enjoy the same First Amendment protection as "the best of literature," overturning the ban on partial-birth abortion, and approving the taking of private property for purposes other than "public use."

The American people now recognize that we face a battle between self-government by our elected representatives versus rule by unelected judges, and we are not going to submit to judicial tyranny. Opposition to judges who reject the Constitution as written, and insist on their "independence" to make law, is fast becoming the issue to unite and build the conservative movement just as opposition to Communism in the 1950s and 1960 united and built the conservative movement into a powerful force that elected Ronald Reagan as President.