Obama Steers the Court Left

by Phyllis Schlafly May 14, 2010

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Barack Obama has thumbed his nose at veterans and many other Americans by trying to replace Supreme Court Justice John Paul Stevens with the liberal Elena Kagan. She is mainly noteworthy for excluding military recruiters from Harvard Law School.

This nomination illustrates how far Obama has fallen from his lofty rhetoric about ending insider politics. Kagan, a campaign donor to Obama, has never decided a single case.

Obama's selection further exposes his reckless liberal agenda even though polls show that Americans are waking up to his deceptions. A Gallup poll released last week showed that 42 percent of Americans want a new Supreme Court Justice who will move the Court in the conservative direction, while only 27 percent want a new Justice who will make it more liberal.

Obama chose to appease the 27 percent. So he replaces the last military veteran on the Court, leaving it without anyone who made the sacrifice of serving our nation in war.

The liberal double standard is undeniable. Liberals who insisted that Clarence Thomas was too inexperienced to be on the Supreme Court now defend a nominee who has written little, litigated even less, and not decided a single case.

Instead, Obama tries to force on Americans someone whose background shows she is more interested in remaking the law than in applying it impartially. A baseball umpire would be a better selection and probably fairer, too.

Thirty one Senators voted against Kagan's confirmation as Solicitor General about a year ago, finding her too inexperienced for even that less important job. Several said that they would consider voting against her if nominated to the U.S. Supreme Court.

There is much for Senators to ask Kagan about. When she played an insider role in the Clinton Administration, she reportedly supported taxpayer funded abortion.

Senators who pretend to be pro-life, such as Bob Casey of Pennsylvania, will be voting for 40 more years of Roe v. Wade and abortion on demand if they vote in favor of Elena Kagan. Now age 50, Kagan could serve for 40 years on the Supreme Court.

Millions of pro-life young people voted for Obama in 2008. The man they supported is now doing everything he can to impose more abortion on our nation.

After watching Bart Stupak cave in on the pro abortion health care bill, and then announce his resignation a few weeks later, no American is likely to be fooled by the misleading rhetoric of the abortion lobby. Students for Life and its president Kristan Hawkins have already posted a petition at www.iopposekagan.com to oppose confirmation of Kagan.

Charmaine Yoest, president of Americans United for Life, notes that "Elena Kagan has strong ties to abortion-advocacy organizations and expressed admiration for activist judges who have worked to advance social policy rather than to impartially interpret the law." Obama claimed he would not use a litmus test to pick a justice who supports abortion, but he has done precisely that.

Senators should demand to see the documents written and emails sent by Kagan while she was promoting the liberal agenda from within the Clinton Administration during the 1990s. Full disclosure is proper before giving someone a position that could last ten times longer than a president's term.

Testimony is also necessary about how Kagan excluded military recruiters from Harvard Law School, where she was appointed Dean despite having published almost nothing scholarly. Kagan even joined a brief submitted to the Supreme Court that attempted to obtain a constitutional right for schools to exclude military recruiters.

In Rumsfeld v. FAIR, the Supreme Court rejected her argument by a stunning 8-0 vote, demonstrating how out of touch is her judicial philosophy. But Harvard University continues to ban ROTC to this day.

In Kagan's prior hearing before the Judiciary Committee, she declared her support for using foreign law to interpret the U.S. Constitution. That is unacceptable for any U.S. judge; no foreign law should be allowed to change our Constitution.

As Obama's Solicitor General, Kagan's first argument before the Court, in Citizens United v. FEC, was pathetic. Objective observers panned her performance, and the Court rejected her arguments.

In a more recent appearance, she muddled the case and began asking questions of the Justices. Chief Justice Roberts had to correct her, saying, "Usually, we have the questions the other way."

We hope Republican Senators will conduct a thorough interrogation of Kagan and not give her the kid-glove treatment they regrettably gave Justice Ruth Bader Ginsburg. Too much is at stake.