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Mike Alissi

Media Inquiries and Reprint

Permissions:

Chris Mitchell

(310) 367-6109

Editorial & Production

Offices:

3415 S. Sepulveda Blvd.

Suite 400

Los Angeles, CA 90034

(310) 391-2245

Libertarians Respond to the Elena Kagan Nomination

Damon W. Root | May 11, 2010

Ilya Shapiro: "Kagan is certainly not the worst possible nominee from among those in the potential pool."

Roger Pilon: Does Elena Kagan support limited government?

Ilya Somin on Kagan and the Harvard ban on military recruiters.

Walter Olson: "Assuming Kagan coasts to an easy confirmation, she'll join a liberal caucus on the Court that more than ever resembles a faculty meeting."

David Bernstein: "There is no evidence that she has any ideological sympathy for the 'right.'"

And you can read Reason's coverage of Elena Kagan right here.

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¢ | 5.11.10 @ 10:54AM | #

All you need to know is this:

"Whether a given category of speech enjoys First Amendment protection depends upon a categorical balancing of the value of the speech against its societal costs."

—Supreme Court nominee Bob Costas

reply to this

Wood Jones | 5.11.10 @ 10:57AM | #

LOL, OK so when will they respond to her ugliness??

Lou

www.online-anonymity.tk

reply to this

Brian E | 5.11.10 @ 11:00AM | #

I'm starting to think there's an actual human behind you after all, Lou.

reply to this

Groovus Maximus | 5.11.10 @ 11:06AM | #

OUCH! That hurt me Anon Bot! The singularity is nigh people!

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Atanarjuat | 5.11.10 @ 11:35AM | #
Who's uglier, Kagan, or Sotomayor?

[reply to this](#)

OO=====D | 5.11.10 @ 11:46AM | #
Kagen, hands down.

[reply to this](#)

Mike M. | 5.11.10 @ 11:51AM | #
Kagan makes Sotomayor look like Heidi Montag.

[reply to this](#)

nobody | 5.11.10 @ 11:55AM | #
And this is coming from a guy called Wood.

[reply to this](#)

Brian E | 5.11.10 @ 10:59AM | #
Democratic nominees have been equally bad as Republican ones on critical topics such as 4th Amendment issues for good reason. They have no incentive to support a limiting interpretation of the Constitution in these areas. Any liberty-friendly jurisprudence these judges produce is accidental and an outcome of results-oriented thinking.

I have no idea how we ended up with Thomas on the court, but he is almost certainly the last of his kind.

[reply to this](#)

Jersey Patriot | 5.11.10 @ 11:45AM | #
You mean Thomas, the guy who said it was okay to strip search a teenage girl in school because they thought she might have aspirin? Yeah, beacon of liberty there.

[reply to this](#)

Xeones | 5.11.10 @ 11:00AM | #
Damn, anonymity bot.

[reply to this](#)

Episiarch | 5.11.10 @ 11:50AM | #
Pretty good, right? I programmed him well. Shit, I shouldn't have said anything.

[reply to this](#)

The Libertarian Guy | 5.11.10 @ 11:00AM | #
Obama made this pick, so there's something in it for him and his side of the aisle... and it's probably not good for the rest of America, in the long run.

[reply to this](#)

Aresen | 5.11.10 @ 11:12AM | #
OK, if Kagan doesn't give you apoplexy, try this:

There will probably be a Democratic President elected sometime between 2016 and 2028. 3-2 odds that said president nominates Barry O to the Supreme Court.

[reply to this](#)

Mr. FIFY | 5.11.10 @ 11:16AM | #
Yikes!

Tell the Senate
to act *NOW*

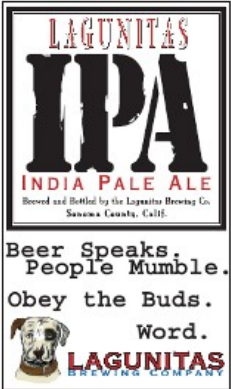
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Ron Bailey
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[Groovus Maximus](#) | 5.11.10 @ 11:18AM | #
DEATHTO CANADIANS! (Except Dagny T.)

Seriously though, I have some mints for you Aresen, if they make you sleepy, just take a few more....

[reply to this](#)

[Episiarch](#) | 5.11.10 @ 11:51AM | #
That's very collectivist, doc. There's no reason we can't beat Aresen to death on an individual level for that.

[reply to this](#)

[Groovus Maximus](#) | 5.11.10 @ 12:00PM | #
As long as I get a cash billing and no witnesses. I have a license, you know.

[reply to this](#)

[Episiarch](#) | 5.11.10 @ 12:02PM | #
A license to ill?

[reply to this](#)

[CaptainSmartass](#) | 5.11.10 @ 11:35AM | #
I just threw up in my mouth a little bit.

[reply to this](#)

[Tim](#) | 5.11.10 @ 11:21AM | #
She's no Harriet Miers, that's for sure.

[reply to this](#)

[Tim](#) | 5.11.10 @ 11:21AM | #
I meant that ironically.

[reply to this](#)

[Gabe](#) | 5.11.10 @ 11:30AM | #
She is in cahoots with enemy of the first amendment cosmotarian Cass Sunstein. She is a former Goldman Sach employee, she wants to ban conspiracy theories, she hates free speech, I see where this is going.

[reply to this](#)

[Editor](#) | 5.11.10 @ 11:35AM | #
Hyphens, Gabe, hyphens!

[reply to this](#)

[Tapeworm](#) | 5.11.10 @ 11:36AM | #
If she is -- as many claim -- a closeted homosexual, then given that there is a good chance that there will be cases regarding gay marriage brought before the court, shouldn't she be questioned about her sexual orientation?

[reply to this](#)

[Gabe](#) | 5.11.10 @ 11:40AM | #
I thought there was one bright spot about her record: she banned the military recruiters, I thought she was trying to protect the student at Harvard from a scam, but then I find out it is just because she is mad that not enough gays were gonna be used as cannon fodder!

[reply to this](#)

[Max](#) | 5.11.10 @ 11:43AM | #
Shapiro hit the nail on the head. The worst possible nominee would be some brain-dead adherent of a simplistic market-worshipping cult.

[reply to this](#)

Mr. FIFY | 5.11.10 @ 12:05PM | #

The best possible nominee would be some brain-dead adherent of a simplistic tax-and-spend cult.

That'll be ten bucks, Max. Seriously, just type what you're really thinking.

[reply to this](#)

Max | 5.11.10 @ 11:48AM | #

Free Market Brownies

Ingredients:

1 pkg (440 g) Betty Crocker* Chocolate Chunk Supreme Brownies Mix

1/4 cup (50 mL) butter or margarine, melted

3 tbsp (45 mL) orange juice

2 tbsp (25 mL) packed brown sugar

1 1/2 cups (375 mL) pineapple chunks (about 1-inch/2.5 cm in size)

1 1/2 cups (375 mL) mango chunks (about 1-inch/2.5 cm in size)

1 1/2 cups (375 mL) banana slices (about 1-inch/2.5 cm in size)

1 cup (250 mL) caramel topping

Method:

- Heat oven to 350°F (180°C) for shiny metal pan or 325°F (160°C) for dark or non-stick baking pan. Make and cool brownie mix as directed on package directions. Cut brownies into 6 rectangular pieces. Cut each piece diagonally in half.

- Heat coals or gas grill for direct heat. Mix butter, orange juice and brown sugar in small bowl.

- Thread pineapple, mango, and banana pieces alternately on each of twelve 10-inch (25 cm) skewers, leaving space between each piece. Brush fruit with butter mixture. Grill fruit uncovered on medium low heat 10 to 15 minutes, turning frequently and brushing with butter mixture, until fruit is lightly browned.

- To serve, arrange 2 brownie triangles on each plate. Remove fruit from skewers and arrange around and over brownies. Drizzle with caramel topping.

[reply to this](#)

Joshua | 5.11.10 @ 12:03PM | #

She's just another statist. I'm amused by the dems saying she's the wrong kind of statist.

[reply to this](#)

Tman | 5.11.10 @ 12:04PM | #

I'm kinda surprised that this is the best they could come up with. She has zero judicial experience, doesn't seem to have worked too much in the courts themselves (although did clerk for someone) and appears as though she went from Harvard student to tenured professor to dean.

For example, here's Justice Thomas resume- Thomas grew up in Georgia and was educated at the College of the Holy Cross and at Yale Law School. In 1974, he was appointed an Assistant Attorney General in Missouri and subsequently practiced law there in the private sector. In 1979, he became a legislative assistant to Missouri Senator John Danforth and in 1981 was appointed Assistant Secretary for Civil Rights at the U.S. Department of Education. In 1982, President Ronald Reagan appointed Thomas Chairman of the Equal Employment Opportunity Commission (EEOC) and he served in that position until 1990, when President George H. W. Bush nominated him for a seat on the United States Court of Appeals for the District of Columbia Circuit.

Even Sotomayor was Assistant DA in New York before getting nominated, and she wasn't exactly a heavyweight by SCOTUS standards.

For a guy who taught constitutional law, Obama sure has come up with some WEAK ass SCOTUS picks.

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