

Light of Liberty

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16 May 2010

[COLUMN] Obama takes easy route with bad choice



The choice of U.S. Solicitor General Elena Kagan to replace retiring Supreme Court Justice John Paul Stevens was hardly a surprise.

After all, we knew it was going to be a woman, a minority, or both because race and sex are more important to President Barack Obama than respect for the Constitution and the rule of law.

Form over substance.

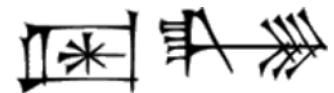
Or, as the Cato Institute's Ilya Shapiro put it in the Orange County Register on May 10: "The president wanted a highly credentialed non-judge who would serve for a long time and wouldn't cost too much political capital. He got a 50-year-old solicitor general and former dean of Harvard Law School - the first female in each post - whose record the Senate (and media, and activists) already examined in a confirmation process that put her into her current post."

There is, however, nothing to like about this choice, other than the fact that it always could be worse.

There are multiple problems with Kagan, the least of which is her lack of judicial experience. Time on the bench is a good indicator as to a nominee's

about

Ciao a tutti! Welcome to my blog. My name is Thomas J. Lucente Jr. and I am a libertarian newspaper columnist in Lima, Ohio. I have a bachelor's degree in history with a journalism minor. I am also a veteran of the Iraq war and a law student at the University of Toledo in Toledo, Ohio. Please, feel free to look around and leave a comment if you are so inclined. While I don't expect you to agree with me all the time, I do hope I at least stimulate your mind and give you something to think about. Buona giornata!



latest comments

JT wrote:

Name the political hacks little Bush put in Mtntip! Susan, I was just pointing...

Mtntip wrote:

All the "conservative" SC members say "detain and torture" So...

Susan wrote:

JT, HappyG is right, Kagan worked with Obama in Chicago. She didn't say that Kagan...

JT wrote:

No Mtntip, Her rulings will more likely put a smackdown on your goofy...

Mtntip wrote:

He made a good choice, a large woman such as Elana will hold her own

position on various constitutional issues. This was the same complaint I had about Harriet Miers, who President George W. Bush nominated to the bench.

Miers, by the way, withdrew herself from consideration in the face of a media onslaught concerning her lack of experience. Where is that outcry with Kagan's nomination? Even Obama, who was a U.S. Senator at the time, questioned Miers' lack of judicial experience: "Since her experience does not include serving as a judge, we have yet to know her views on many of the critical constitutional issues facing our country today."

Judicial experience also demonstrates a person's ability to make tempered decisions in applying the law to the set of facts before the bench, which is more difficult than simply acting as an advocate for a position.

While judicial experience is extremely valuable when being chosen to head the American judicial system, her lack of experience is not a deal breaker. After all, many justices served the country, and the Constitution, well without having judicial experience before reaching the Supreme Court.

More disturbing than her lack of judicial experience is her complete disregard for the Constitution, her socialist viewpoints (even writing a thesis in college on the subject), and her unwavering support for a stronger executive branch. These are the things that do not bode well for the Republic should the U.S. Senate approve her nomination, which is almost a foregone conclusion with 59 Democratic Senators.

For example, she recently argued in front of the Supreme Court that the government should have the right to restrict the free speech of corporations. She also argued in a law review article that the government may restrict speech that is deleterious to good order, or if the "motive" of the government is pure. She supports university speech codes and kicked military recruiters off the Harvard campus when she was dean.

Obama has made a point out of comparing Kagan to Justice Thurgood Marshall, the first black Supreme Court justice, by saying that Marshall's "understanding of law, not as an intellectual exercise or words on a page, but as it affects the lives of ordinary people, has animated every step of Elena's career."

That, however, is not a good thing. Marshall, like most liberals, was all too willing to toss the Constitution aside when it did not mesh with his myopic views. Marshall admitted as much when he summed up his judicial philosophy: "You do what you think is right and let the law catch up." He also once said in a speech that the Constitution was defective from the start.

Finally, it is a sad testament to the state of the American body politic that the appointment of a Supreme Court justice is so important. It shows that the executive and legislative branches have abrogated their duty to obey the Constitution leaving the court as the last refuge against the growing specter of tyranny.

Fortunately for Americans, Kagan will simply replace another liberal and the balance of power will not change. Let's hope it stays that way until Obama leaves office on Jan. 20, 2013.

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against the...

AverageGuy wrote:

It isn't possible for Arizona to loosen the restrictions on legal immigration.

...

Stacey wrote:

Just happened to stumble onto this site and I totally agree with most of the...

Lee wrote:

Prayer is great as a placebo but it depends on what you pray for. Some of your...

sadness wrote:

you are right, I knew the mother, she moved from him because he was hitting on her,...

HappyG wrote:

She's another one of Obama's Chicago buddies, who thinks like he does, or he says....

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truth meter



The Truth-O-Meter Says:

Military "recruiting went on at Harvard every single day throughout the time (Kagan) was there." — **Patrick Leahy**



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Elena Kagan "violated the law of the United States at various points" with her opposition to military recruiters. — **Jeff Sessions**



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Elena Kagan is "a New York City radical, Marxist lawyer through and through." — **Michael Savage**



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"She (Kagan) took money from Goldman Sachs just like her boss, Obama." — **Michael Savage**



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"Louisiana Sen. Mary Landrieu received almost \$1.8 million from BP over the last decade." — **Ed Schultz**



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Obama's promises



Tracking Obama's promises:

Promise No. 315 — "Will create 20 Promise Neighborhoods in cities that have high levels of poverty and crime and low levels of student academic achievement. The Promise Neighborhoods will model the Harlem Children's Zone and seek to engage all resident children and their parents in an achievement program based on tangible goals, including college for every participating student, strong physical and mental health outcomes for children as well as retention of meaningful employment and parenting schools for parents. Cities and private entities will be required to pay 50 percent of the program costs." >> [Details](#)



Promise No. 18 — Will direct the Internal Revenue Service to "give taxpayers the option of a pre-filled tax form to verify, sign and return to the IRS or online. This will eliminate the need for Americans to hire expensive tax preparers and to gather information that the federal government already has on file." >> [Details](#)



Promise No. 328 — Will "improve and expand public-private partnerships to expand cultural and arts exchanges throughout the world." >> [Details](#)



Promise No. 121 — Provide



"funds to help communities, nonprofit organizations and police combat domestic violence, sexual assault and stalking." >> [Details](#)

PROMISE KEPT

Promise No. 73 — "Allow Medicare to negotiate for cheaper drug prices." >> [Details](#)

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announcement

I will appear as a guest on "[Talk with Ron Williams](#)" at 3:10 p.m. EST Thursdays. Be sure to tune in. I will be co-hosting the full two hours on Nov. 12.

The show is on [WCIT-AM](#), which is 940 on your AM dial. If you aren't within the broadcast range of the station, you can listen live on the Web by clicking [here](#).

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[Jus Sanguinis: My Quest for Italian Citizenship](#)

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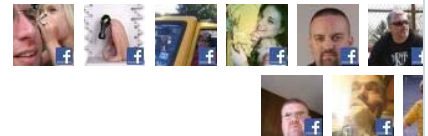
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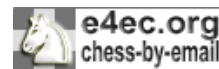
sundry items



The Gross National Debt



American Military Deaths in Iraq		
	Total	In Combat
Since war began:	4397	3486
Since 5/1/2003:	4258	3378
	Official	Estimated
Total Wounded:	31790	100000+



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