

WHO PUT KAGAN ON THE COURT – IF YOU VOTED FOR OBAMA, YOU DID – STUPID!

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As a Supreme Court Justice, Elena Kagan will be a nightmare in black. Kagan will be to individual rights and the Constitution what Stalin was to Polish nationalism.

Who's responsible for a justice who will play Freddy Krueger with the Constitution possibly for the next 30 years?

Barack (Muslim-Middle-Name) Obama, who established the empathy-standard for judicial nominations?

Blame it on the bossa nova? Blame it on every Democratic Senator save one, who voted robotically for Obama's nominees, and a handful of Republican quislings who quite naturally sided with them?

If Obama nominated one of those wind-up mechanical monkeys with the cymbals, they would applaud madly, admire its prodigious intellect and say it was eminently qualified to sit on the Court. Lindsey Graham-nesty would solemnly declare it was his duty to confirm the president's choice. Lindsay Lohan is more in touch with reality.

Nope, the ultimate responsibility for elevating this hardcore ideologue to the Court lies with the 53% of voters who made Obama president of the United States. You put Elena Kagan on the Supreme Court, dopes that you are, and you will be responsible for her votes as long as she's on the court.

Did you not know that a president has the power of judicial appointment (vested in him under Article II, Section 2 of the Constitution) -- that if his party has a super-majority in the Senate, a president could put a psychotic cross-dressing fascist on the bench, were he so inclined?

Were you unaware that the courts have become the most powerful branch of government, that they routinely make laws, that they can embrace any absurdity and call it a constitutional principle, can find invisible words in the Constitution and ascribe meanings to clauses that would mystify their drafters.?

Given what we knew about Obama in 2008, (his associations with Bill Ayers and Jeremiah Wright, his comments about Middle Americans being xenophobic gun nuts and religious fanatics) who was he more likely to tap for the Supreme Court: a Scalia or a Ginsburg – a Clarence Thomas or a David Souter? Arrrak, times up. Sorry you didn't win. Thanks for playing.

Obama told you exactly the kind of judges he'd pick. But you were so besotted by hope and change – so intrigued by the prospect of electing the first non-white president (thus proving, once and for all, that we are neither klansmen nor skinheads) -- that you weren't paying attention.

Regarding judicial selection, Obama said he would “seek someone who understands that justice isn't about some abstract legal theory or footnote in a case book. It is also about how the laws affect the daily realities of people's lives – whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their own nation. I view that quality of *empathy*, of *understanding* and *identifying with people's hopes and struggles* as an essential ingredient for arriving at just decisions and outcomes.”

Translation: Screw impartiality. Fairness be damned. To hell with the intent of the Founders (those misogynistic slave-owning capitalists, who committed genocide against Native Americans) and of the legislators who are elected to write the laws. Let emotions and feelings reign supreme. I'm surprised Obama didn't nominate a legal services lawyer or a community organizer for the Supreme Court.

Getting down to the nitty-gritty, Obama opined in a speech to a Planned Parenthood Convention in 2007: “We need somebody (*on the bench*) who's got heart, the empathy to recognize what it's like to be a young teenage mom, the empathy (*there's that word again*) to understand what it's like to be poor or African-American or gay or disabled or old – and that's the criterion by which I'll select my judges.”

Here is a hit parade of the left's favorite victim groups.

Obama will pick judges who have the heart to twist the law for gay, disabled, African-American, teenage moms – not taxpayers struggling to feed their families while Washington plunders their income, not white firefighters and cops denied the promotion they've earned to satisfy the dictates of racial representation, not citizens victimized by illegal-alien criminals, not the businessmen who are afflicted by onerous regulations, not the retirees who see a lifetime of savings wiped out by inflation and taxes, and surely not the parents who are forced to endure public-school indoctrination of their children in values they find abhorrent.

In talking about judges on the campaign trail, the president-to-be repeatedly used words like “empathy,” “sympathy,” and protecting people who are “vulnerable” -- but sympathy for some people, protection for favored minorities and justice for those who are part of the left's constituency.

Enter Elena Kagan. In the 1986 movie “Highlander,” The Kurgan was a maniacal barbarian who ran around decapitating people with his broadsword. The Kagan will be less gentle with our constitutional rights and liberties.

In her 1983 Oxford thesis (a love song to judicial activism), Kagan argued "...as participants in public life, judges will have opinions, prejudices, values. Perhaps more important, judges will have goals. ...And because this is so, judges will often try to mold and steer the law in order to promote certain ethical values and achieve certain social ends. Such activity is not necessarily wrong or invalid."

The newest Supreme Court justice can't wait to get her hands on the Constitution and laws to steer them toward the left's values and mold them to conform with a Manhattan elitist worldview. Thanks to you, Obama voters, she's warming up in the bull pen for the Court's October inning.

In her exchange with Sen. Tom Coburn before the Senate Judiciary Committee – when nominees are usually on their best behavior -- The Kagan said she couldn't grasp the concept of natural rights apart from the Constitution. Well, Coburn responded, what do you think the Declaration of Independence meant by inalienable rights (life, liberty and all that stuff)?

Kagan artfully evaded the question. Bottom line: The nation's founding document (America's birth certificate) means nothing to her. Rights are whatever she says they are. The Constitution is whatever she says it is.

The Kagan: 1. favors the use of international law in American jurisprudence. (as dean of the Harvard Law School, she made a course in international law compulsory; constitutional law was optional), 2. believes that "women's life and women's health have to be protected in abortion regulation" (which negates any regulation of abortion, through the 9th month), 3. is "not sympathetic" to Second Amendment rights (she referred to the NRA as "right-wing extremists"), and 4. believes the First Amendment doesn't apply to political communications.

Perhaps her scariest opinion (that she's shared with the rest of us) was in a 1996 law review article, wherein Kagan said that government's motivation for suppressing speech should be "the most important" consideration for the Court in determining the constitutionality of said abrogation of the First Amendment. This is the left's idea of a civil libertarian. The ACLU had nothing but good things to say about her.

Whatever speech-suppression Obama proposes – a covert Fairness Doctrine, political regulation of the Internet – rest assured, Justice Kagan will find the government's interest valid and of paramount importance.

Kagan's tenure as dean of the Harvard Law School (2003-2009) was a sneak preview of how she'll operate on the Supreme Court.

Citing her opposition to the Don't Ask/Don't Tell Policy (she called it a "moral injustice"), Kagan kicked military recruiters off the Harvard campus. This was in direct violation of federal law, and she knew it. She intentionally broke the law to advance her

values and to achieve certain social ends. For the most lawless administration in history, Kagan was the logical choice for the high court.

To say that as dean Kagan embraced the gay agenda is like saying that Al Gore embraces the myth of man-made global warming. She hired a professor whose classes focused on (in the professor's own words) "bisexuality, trans (*genderism*)... polygamy, S&M (*and*) the sexuality of minors (*pedophilia?*)."

Kagan established a course in Transgender Law (empathy for the self-mutilated), and urged students to get involved in activist legal work for the so-called gay community.

She wanted the university to make restrooms "accessible" for people "regardless of their gender identity or expression." In other words, men who felt like women should be free to use the ladies' room. The feelings of women who find such behavior bizarre, threatening and/or repulsive don't count. Remember, empathy for favored groups only.

Other than having a sex-change operation herself (on live television), it's difficult to imagine what else Dean Kagan could have done for the sexually disadvantaged.

Wednesday's California marriage decision was another stunning victory for sexual minorities.

U.S. District Court Judge Vaughn Walker (one of only two openly gay federal judges) is the embodiment of Kagan's beau ideal -- a judge with "goals" who is willing to "mold and steer the law" to "achieve certain social ends."

In overturning Proposition 8 (the marriage-protection amendment to the California Constitution) Walker told 7 million voters that their decision to preserve traditional marriage in the state is completely irrelevant and inconsequential. Democracy has been suspended for the duration.

While the California Supreme Court held that Prop 8 passed constitutional muster, Walker said it violated the 14th Amendment to the U.S. Constitution, further, that there is a magical right to strange-sex marriage in that document -- probably lurking in the mystical penumbra of the First Amendment, along with the right to terminate babies.

Walker was unmoved by the fact that every other court that's considered the matter rejected this rationale. Just to rub it in, the judge arrogantly asserted: "Proposition 8 fails to advance any rational basis in singling out gay men and lesbians.... Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples." Well, duh!

As a homosexual judge sitting in San Francisco, I'm sure Walker believes this absurdity. But a majority of voters in the most liberal state in the union (who voted for

traditional marriage twice) don't. Nor do the voters of 30 states, who passed marriage-protection amendments to their state constitutions by an average vote of 67%.

But nothing gets in the way of an empathetic judge determined to inflict his goals and values on a supine nation.

Kagan is the prototype for this president's judicial appointments -- which brings us back to your role in this fiasco. Obama voters, you are accomplices before the fact.

What were you thinking? Were you thinking?

Don't you understand that the only way we can rein-in a runaway judiciary is by electing a president who will put normal human beings on the bench -- people who comprehend that there's a public interest in preserving the marriages which are the foundation of civilization and from which children issue?

In the course of 8 years, Clinton and Bush appointed 372 and 303 judges respectively -- or 42% and 34% of district court and appellate court judges and justices of the Supreme Court. A two-term president can remake the judiciary (and, by extension, the nation) in his own image.

That's the power 53% of U.S. voters bestowed on the Alinskyite in the White House.

The Supreme Court's lunatic fringe is close to being a lunatic majority. If Obama has a chance to fill just one conservative vacancy, or the Court's swing vote, in the next 2 ½ years, it will become a People's Tribunal.

Oh how you'll howl when they strike down the Defense of Marriage Act (thereby mandating homosexual marriage nationwide). You'll cringe when they invalidate any restrictions on abortion (anywhere, any time, under any circumstances). You'll lament their decisions on racial quotas, illegal immigration, criminal justice, gun confiscation, property rights and the constitutionality of Obama-care.

But, along with Elana Kagan, each and every one of these decisions should be stamped: "Made by a Totally Clueless Electorate."

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