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Subject: Kagan nomination demands intense scrutiny
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Mathew Staver, Founder and Chairman
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Elena Kagan's nomination process is already showing tell-tale signs of political correctness, the use of double standards, and a glossing over of her real-world legal experience. Barack Obama is endangering our essential liberties and the Constitution itself through this outrageous nomination. We must stop Kagan's nomination from gaining momentum! Please give this message your closest attention. - Mat

If we hearken to Barack Obama's own words, then we must demand that our Senators intensely question Elena Kagan's qualifications for becoming an Associate Justice of the United States Supreme Court.

Here is what then-Senator Obama said about President George W. Bush's under-qualified nominee, Harriet Miers:

"...[I]n the absence of any judicial record on [Miers'] part, in the absence of any significant work that she appears to have done related to constitutional issues, then she's going to need to be more forthcoming "Ms. Miers is completely a blank slate."

Or, we could turn to Elena Kagan's own words for guidance:

"When the Senate ceases to engage nominees in a meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public."

One can only hope she will take her own counsel as she presents her qualifications to the Senate. But if Kagan's nomination process for becoming U.S. Solicitor General is any indication, there is every reason to believe that she will be evasive and avoid revealing her true legal philosophy and core beliefs.

And while Kagan may be an accomplished academician and have many years' experience as an educator and administrator, her legal resume is the same "BLANK SLATE" President Obama found so woefully unsatisfactory in Harriet Miers' case.

In fact, Kagan's current role as Solicitor General is the ONLY

job in which she has gained real-world experience in the adjudicative process...and she has only been in this position for a year!

The disturbing fact is that before Elena Kagan became Solicitor General, she had NEVER served as a judge and had NEVER argued any case in any court!

Here is the bottom line...

The bench of the Supreme Court of the United States requires individuals who have a keen understanding of the law and an ability to interpret the law without invoking their own personal viewpoints and prejudices. Elena Kagan, lacking experience as a judge, simply does not have this proven ability.

++ Citizen BARRAGE of the SENATE opposing this nomination!

President Obama has placed our nation in a precarious situation by nominating a completely unqualified person to the United States Supreme Court. Here's what I'm asking you to do...

#1 - Fax Your Senators!

We must stop the nomination of Elena Kagan BEFORE it gains momentum. That's why I want to launch a massive FAX BARRAGE to flood the Senate with a crystal clear message:

"OPPOSE THE NOMINATION OF ELENA KAGAN!"

I'm asking every member of the Liberty Counsel team to press hard on targeted Members of the Senate with this call to action. Your faxes will be scheduled to be delivered with thousands of other citizens' faxes as part of our massive FAX BARRAGE beginning NOW!

Go here to schedule your targeted faxes:

<http://www.libertyaction.org/r.asp?U=27890&CID=313&RID=16687569>

If you prefer, we always encourage you to send your own faxes. We have provided all the information you need to reach Senators here:

<http://www.libertyaction.org/r.asp?U=27891&CID=313&RID=16687569>

++Striking parallels in Obama's and Kagan's meteoric climbs.

The ability to rally people around a cause is one reason for Barack Obama's incredibly rapid rise to the presidency. Similarly, Elena Kagan has proven she can be a consensus builder and that's another reason why she is such a dangerous choice for a life-time appointment to the nation's High Court.

The fact is, Elena Kagan has far better political qualifications than the qualities that a

dispassionate jurist must possess.

As the Dean of Harvard Law School, Kagan completely changed the school's curriculum, putting a much greater emphasis on international and comparative law, the purpose of which was to embrace the "transnational nature" of the law. However, the U.S. law has NEVER been transnational in nature, and will only become so if radical judges begin applying foreign law in U.S. courts.

As the Associated Press noted, "At 50 years old, Kagan would be the youngest justice on the Court, which would give her the opportunity to extend Obama's legacy for a generation."

As I have said before, Barack Obama's socialist and globalist "legacy" should not be extended by so much as a week, let alone a generation. He is a good example of the danger involved in elevating someone about whom very little is known to high public office.

Elena Kagan is the consummate Obama insider. Some have referred to her as Obama's ideological "clone." Kagan is Barack Obama's friend, long-time collaborator and political supporter. Her generous donations to Obama and his party are public record.

++Elena Kagan is well outside of mainstream American thought.

Kagan is pro-homosexual rights, which would likely taint her rulings at the Court involving family and marriage on issues like those addressed by the Defense of Marriage Act.

Kagan has expressed hostility toward faith-based organizations working with the federal government. This clear bias could limit the impact of faith-based groups on public policy decisions.

Kagan despises the military's "Don't Ask, Don't Tell" policy.

"I abhor the military's discriminatory recruitment policy" she said in defense of banning military recruiters from the Harvard Law School campus during a time of war.

Kagan has called the Constitution "defective" and shares President Obama's view that we should have an "evolving" or "living" Constitution, thus marginalizing its ultimate legal authority. She has written about a supposed need to significantly INCREASE the power of the Executive Branch at the expense of legislative bodies.

Jesus, imagine INCREASING the powers of Barack Obama! We have already seen how the Obama Administration marginalizes the Constitution, blatantly ignores the rule of law and steamrolls the legislative processes.

Further, Elena Kagan's appointment to the High

Court will only weaken the Justices' ability to rule impartially on the ultraliberal Obama agenda, many components of which will certainly come before them in coming months.

We MUST stop her nomination NOW! It is best to tell your Senators how you feel before the Obama machine starts pressuring for an immediate confirmation. After the ObamaCare debacle, we all know how much pressure can be applied by the White House and its cronies in the Senate!

Please, take advantage of our Fax Barrage and tell your Senators to "Oppose the Elena Kagan nomination." We have provided sample letters for you - all you have to do is click on this link to get your faxes on their way to the United States Senate:

<http://www.libertyaction.org/r.asp?U=27892&CID=313&RID=16687569>

There are more developments daily. Please watch for my future updates, and thank you for carefully reviewing this important message.

Thank you and God bless you!

Mathew Staver, Founder and Chairman
Liberty Counsel

P.S. Elena Kagan's nomination is already proving to be a lesson in the application of double standards. According to many researchers, she holds a mirror image of Barack Obama's social, political and judicial policies. I am deeply concerned about her leadership in promoting a transnational view of the law, thus further damaging our national sovereignty. We MUST stop the nomination of Elena Kagan before it gains momentum. Click here to send your targeted faxes to the Senate:

<http://www.libertyaction.org/r.asp?U=27893&CID=313&RID=16687569>

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