



Obama Biden Watch



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Representative Issa Is Asking The Right Questions

Congressional oversight authority is a critical function of the Legislative Branch in our system of checks and balances. Regardless of which political party controls the U.S. House, U.S. Senate, and the White House, Congress is charged with keeping a watchful eye on Executive Branch activities. However, in an age when partisanship dominates Washington, meaningful oversight is virtually non-existent when the same party controls both Congress and the White House.

Rep. Darrell Issa (R-CA), the Ranking Republican Member on the House Committee on Oversight and Government Reform, will become chairman of this important panel in January 2011 should the Republicans recapture the majority in the U.S. House of Representatives after the November 2010 midterm elections. Although Issa has no official committee power (such as the ability to hold hearings and issue subpoenas) while in the minority, he and the fellow Republican members of the committee are free to ask questions, write letters, and make public potential instances of waste, fraud, and abuse in the White House and Executive Branch when the Democrats who control the panel refuse to take action (Rep. Edol-



United States Representative Darrell Issa

phus Towns (D-NY) is the current committee chairman).

There are three alarming matters in which Rep. Issa should be commended for getting into the court of public opinion. Unfortunately, these subjects would have been otherwise ignored by the Democrat majority in Congress.

The first investigation centers around the allegation that White House officials offered Rep. Joe Sestak (D-PA) a high ranking job in the executive branch in exchange for Sestak dropping his primary election campaign for U.S. Senate against Sen. Arlen Specter (D-PA). On March 10, 2010, Issa wrote White House Counsel Robert Bauer: "While the White House may think this is politics as usual, what is spectacularly unusual is when a candidate – a U.S. Congressman no less – freely acknowledges such a proposal. Candidates keep quiet about such deals, and for good reason – they are against the law." Since this initial letter, the White House has not been cooperative in answering questions so Rep. Issa has

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taken the step of asking Attorney General Eric Holder to appoint a special prosecutor to independently investigate the matter.

The second investigation concerns the announcement of a Securities and Exchange Commission suit against Goldman Sachs at the same time Democrats in the U.S. Senate were taking up their financial regulations overhaul bill. On April 20, 2010, Issa and seven other Republicans on the committee wrote to SEC Chair Mary Schapiro, stating: “The Goldman litigation – filed by the Commission on April 16, 2010 – has been widely cited by Democrats in support of the financial regulatory legislation currently before the United States Senate. We are writing to request that you provide documents and information to this Committee regarding any sort of prearrangement, coordination, direction from, or advance notice provided by the Commission to the Administration or Congressional Democrats regarding last Friday’s filing against Goldman. The American people have a right to know whether the Commission, or any of its officers or employees, may have violated federal law by using the resources of an independent regulatory agency to promote a partisan political agenda.” Since sending the letter, the SEC Inspector General has announced his intention to investigate the allegations.

The third investigation focuses on the timing of the Federal Deposit Insurance Corporation’s decision to close Broadway Bank in Illinois. According to *Politico*, “...A leading House Republican is asking the Federal Deposit Insurance Commission whether Illinois Democratic candidate Alexi Giannoulias’ run for Senate influenced the timing of when his family bank was closed.” Giannoulias is running against Republican Congressman Mark Kirk for Barack Obama’s old seat in the U.S. Senate. Issa stated in a press release that “... American depositors, who ultimately paid nearly four hundred million dollars for this collapse, deserve to know if closing the bank sooner would have cost less and, if so, why this did not occur and who benefited from the decision.” Curiously, Giannoulias met with Obama Senior Adviser David Axelrod at the White House in March 2010, just weeks before the FDIC took receivership of Broadway Bank.

If the Republicans take control of the U.S. House this January, look for Chairman Issa to hold public hearings on these topics. In the meantime, we’ll keep you posted.

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Who Is Elena Kagan?

On Monday May 10, 2010 President Barack Obama announced his nominee to succeed Justice John Paul Stevens on the Supreme Court. Obama selected Elena Kagan, an academic who currently serves as Solicitor General. During the nomination announcement President Obama praised Kagan for her work in *Citizens United v. FEC*:

“Last year, in the *Citizens United* case, she defended bipartisan campaign finance reform against special interests seeking to spend unlimited money to influence our elections. Despite long odds of success, with most legal analysts believing the government was unlikely to prevail in this case, Elena still chose it as her very first case to argue before the court.”

Citizens United was a victory for the First Amendment and the free speech rights of all Americans. Kagan’s efforts to mute the First Amendment in *Citizens United* must be carefully considered by the Senate during the confirmation process.

Elena Kagan is a liberal ideologue who has gone to great lengths to hide her true colors. She has held the position of Dean of Harvard Law School, served in the Obama and Clinton administrations, and advised Goldman Sachs. Yet, despite the public nature of her employment little is known about Kagan’s judicial philosophy. Kagan must answer some very serious questions before confirmation by the Senate.

A lifetime appointment to the Supreme Court requires great scrutiny. As Kagan has noted, “When the Senate ceases to engage nominees in 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.”

Kagan has revealed little, if anything, regarding her positions on legal issues and her public record is very thin. She has a limited body of academic writing even though she has enjoyed a lengthy and prominent career in academia. Due to the accelerated confirmation schedule, and arguments over privilege, many of her writings from the Clinton and Obama Administrations will likely never be reviewed by either the Senate or the American public.

From the sliver of information available regarding Kagan’s judicial philosophy and positions we have reason to be concerned. One area which requires thorough investigation is Kagan’s views on the First Amendment. This bedrock of our democracy states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Despite the clear directive from the Founding Fathers that “Congress shall make no law” Solicitor General Kagan has advocated for restrictions on speech. As Solicitor General, Elena Kagan represented the Obama Administration in *Citizens United v. FEC*.

In *Citizens United v. FEC* we sought to promote and distribute our film *Hillary The Movie* without the threat of criminal prosecution from the FEC. The FEC interpreted an overbroad statute to permit the government

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to ban the promotion of our film via television ads and video-on-demand, as well as other forms of media. Solicitor General Kagan admitted that the law was broad enough to allow the government to ban books. While she acknowledged there may be grounds to sue should the government ban a book, she argued it has an unfettered right to regulate pamphlets. Kagan sought to quell fears of government censorship by noting that “there has never been an enforcement action for books.” However, as Justice Roberts explained: “we don't put our First Amendment rights in the hands of FEC bureaucrats.”

Some will argue that President Obama made a safe choice in choosing a nominee with a sparse record who just last year was confirmed by the Senate to the post of Solicitor General. Her previous confirmation lacked a thorough discussion of her positions and judicial philosophy. We were able to learn little of Kagan's position on any issue from her confirmation as Solicitor General. She was so evasive in her answers that even Arlen Specter voted against her confirmation. The American public deserves to know what kind of Justice Elena Kagan will be.



US Supreme Court Nominee
Elena Kagan

Fortunately the Supreme Court did not agree with Solicitor General Kagan. The majority opinion of the Supreme Court restored the First Amendment protection of political speech. It ensured the right of every American to speak out for or against their elected officials. Lame duck Senator Arlen Specter (D-PA) reveals that Kagan does not believe the Court reached the right conclusion: “We talked about the *Citizens United* case and she said she thought the court was not sufficiently deferential to Congress.”

Elena Kagan believes current First Amendment law and precedent provides “strong but not unlimited protection.” She takes a similar view of the Second Amendment right to bear arms. On these important issues, the first two amendments to the Constitution, the American public deserves to know how far Kagan believes these fundamental rights and protections extend.

Elena Kagan must be held to the standard that she advocated – she must reveal “the understanding of the Constitution that [she] would carry with [her] to the Court.” As Kagan has previously demanded of other nominees, she must provide real, meaningful answers regarding her judicial philosophy and positions on “particular issues” because there are serious “real-world consequences.” Specifically Kagan had called for nominees to comment on “privacy rights, free speech, race and gender discrimination, and so forth—[issues] that the Court regularly faces.”

Despite her lengthy academic and political career, having served as Solicitor General for little more than one year, and lacking any previous significant courtroom experience, one has to wonder if Kagan is applying for the right job.

PC Approach to Radical Islam Makes America Less Safe

Attorney General Eric Holder appeared before the House Judiciary Committee this month, and under pointed questioning from Rep. Lamar Smith (R-TX), refused to say whether radical Islam could have motivated recent terrorist incidents in this country.

Specifically, Rep. Smith asked Mr. Holder if the killings at Ft. Hood in Texas, by Maj. Nidal Malik Hasan; or if Umar Farouk AbdulMutallab, who tried to blow up a plane on Christmas Day; or if the attempted Times Square bomber Faisal Shazad -- were in any way inspired by radical Islam.

“There are a variety of reasons why people do these things, some of them are potentially religious,” Mr. Holder said.

Maj. Hasan reportedly shouted “Allahu Akbar!” when he killed 13 people at U.S. Army base Ft. Hood in Texas last November. Hasan was in e-mail correspondence with radical Muslim imam Anwar al-Awlaki, both before and after the shooting. Imam al-Awlaki espouses violent jihadist thinking.

The so-called “Christmas Day Bomber,” AbdulMutallab, also met with imam Al-Awlaki. Incidentally, AbdulMutallab’s own father tried to warn the U.S. about his son’s “extreme religious views.” Despite his warnings, AbdulMutallab’s name was not added to the F.B.I.’s Terrorist Screening Database, nor was his visa revoked.

Faisal Shazad, the man behind the attempted Times Square bombing in May of this year, had ties to Al Qaeda, and trained at a terrorist camp in

Pakistan.

Both AbdulMutallab and Shazad were read their Miranda rights. Mr. Holder said this May that the administration may need to “modify” this approach of giving terrorists Miranda warnings, but it nevertheless illustrates the liberal worldview the Obama administration takes to radical Islamic terrorism. Liberals see this as more of a police matter than an ongoing war.

By contrast, Democratic President Franklin Roosevelt had Nazi saboteurs (six Germans and two Americans), who were caught on American soil, arrested and tried in a secret military tribunal during World War II. They were found guilty in a manner of weeks. Some were executed and some were imprisoned. FDR’s actions were upheld by the Supreme Court in 1942 (in a case known as Ex parte Quirin). Compare FDR’s actions with Obama and the liberals of today, who want to stop military trials for jihadists and close their prison on Guantanamo, Cuba.

Mr. Holder wanted to try 9/11 attack mastermind Khalid Sheikh Mohammed in a civilian court in New York City, until public outcry made the administration move the trial. At present, the Department of Justice is still figuring out where to bring a trial, as they have ruled out the use of a military tribunal for Sheikh Mohammed. This vague and wishy-washy response to terrorism by AG Holder, and by extension, the Obama administration, may encourage more radical jihadists to target America.

The Obama administration has dropped the term “War on Terror” in favor of “overseas contingency operations.” Secretary of Homeland Security Janet Napolitano told the German news magazine Spiegel

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that she preferred the term “man-caused disasters” over “terrorism,” because “it demonstrates that we want to move away from the politics of fear...”

In April, the Obama administration removed the term “Islamic extremism” from the National Security Strategy Document, which had outlined the Bush Doctrine. The document stated: “The struggle against militant Islamic radicalism is the great ideological conflict of the early years of the 21st century.” The shift away from an emphasis on combating terrorism is for a promised “new beginning,” between the United States and the Muslim world after Obama’s trip to Cairo, Egypt, in the apparent belief that dropping certain words will bring about greater harmony.

Liberals outside of the administration and in the media are eager to embrace a worldview that ignores the reality of radical Islam. Robert Spencer, editor of JihadWatch.org, and writing in *Human Events* notes of “the continuing refusal of the mainstream media to admit that jihad exists.” He cites as typical, the response of MSNBC reporter Contessa Brewer, who was upset to learn the Times Square bomber was Muslim. She felt “an enormous amount of misery and anxiety and depression.” She went on to lament that, “There was a part of me that was hoping this was not going to be anybody with ties to any kind of Islamic country.”

The focus away from the reality of radical Islamic jihad comes from a liberal elitist belief that

America’s words and actions are what bring about terrorist attacks, not the deranged worldview of her enemies. The liberal belief is part of what Jeane Kirkpatrick aptly named as the “Blame America First crowd” in her famous 1984 speech. The years have passed, but Kirkpatrick’s analysis of the liberal mindset still holds true:

“When our Marines, sent to Lebanon on a multinational peacekeeping mission with the consent of the United States Congress, were murdered in their sleep, the “blame America first crowd” didn’t blame the terrorists who murdered the Marines, they blamed the United States. But then, they always blame America first.”

Rep. Lamar Smith stated in response to AG Holder’s evasive testimony:

“I don’t know why the administration has such difficulty acknowledging the obvious, which is that radical Islam might have incited these individuals. If you can’t name the enemy, then you’re going to have a hard time trying to respond to them.”

Political correctness by the Obama administration is leading America down a very dangerous path. The liberals of this administration are unwilling to “name the enemy” or to acknowledge the worldwide war with radical Islam. Until they do, resources will be wasted and opportunities missed, leaving Americans everywhere increasingly unsafe.



Imam Anwar Al-Awlaki

Nine Days That Changed The World

Ninety years ago this month, a child named Karol Wojtyla was born in a small town in Poland. Six decades later, that child would become Pope John Paul II and embark on a pilgrimage to his homeland that would change the history of the world.

Millions of Poles – almost one third of the entire nation – turned out to see the Holy Father in person during his nine day tour through Communist Poland, and the rest of the country followed his pilgrimage on television and radio. While his visit lasted only nine days, the effects would be felt for decades to come. In less than a year and a half, Solidarity became the first officially recognized free trade union in the Communist bloc, with over 10 million members.

While the Communist government outlawed the group and declared martial law, Pope John Paul's visit inspired and heartened the movement. As Lech Walesa, the leader of Solidarity and later President of Poland said, "The Holy Father, through his meetings, demonstrated how numer-

ous we were. He told us not to be afraid." The momentum of this nine-day visit would eventually lead to the fall of the Berlin Wall in November of 1989 and the dissolution of the Soviet Union in 1991.

Nine Days That Changed The World is Citizens United Productions' moving feature-length film hosted by Newt and Callista Gingrich that documents the Pope's historic pilgrimage. Filmed on-site in Poland and Vatican City, *Nine Days* features never-before-seen interviews with leaders of Solidarity like Lech Walesa and childhood friends of the Pope to bring you an in-depth picture of not only what this trip meant to the Polish people, but what John Paul was like as a man.

Celebrate the life of John Paul II with this moving film by visiting www.NineDaysThatChangedTheWorld.com to order your copy today.

Citizens United Productions Presents

Citizens United is proud to announce that we have three new films in production to be released in the coming months. These films will be hosted by the likes of Dick Morris, Rep. Michele Bachmann, along with Newt and Callista Gingrich.



Please visit www.citizensunited.org for the latest updates!

You can also check out the websites for our two latest releases:

www.ninedaysthatchangedtheworld.com

www.generationzeromovie.com

A FINAL THOUGHT FROM
CITIZENS UNITED PRESIDENT
DAVID N. BOSSIE

Why Elena Kagan Shouldn't Be Confirmed

I have no doubt that Elena Kagan is an intelligent and capable attorney, and I do not believe that her lack of judicial experience disqualifies her for a seat on the Supreme Court. Rather, I oppose Kagan's nomination because I believe that every American has a fundamental right, guaranteed by the First Amendment, to speak out for or against their elected representatives. Anyone who does not feel that way should not be put in a position of authority where she can restrict that right.

I am referring, of course, to Kagan's role in *Citizens United v. Federal Election Commission*. Even before Justice John Paul Stevens announced his retirement in April, President Obama telegraphed his intent to choose his next Supreme Court nominee based on that person's opposition to *Citizens United's* right to participate in the political process. Beginning with his unprecedented rebuke of the court during his State of the Union address and culminating with his remarks announcing Kagan's nomination, Obama has let it be known that opposition to the First Amendment rights of grass-roots organizations such as Citizens United has become the new litmus test.

What is so troubling about the litmus test is that the line of reasoning running through Kagan's opposition to our case leads directly to the conclusion that the government has the authority to ban books and other forms of communication. When our case was reargued before the high court last September, Kagan tried to walk back from that reasoning, saying that the "FEC has never applied

this statute to a book." But she specifically noted that pamphlets could be censored, which leads to questions: What about content published on a Kindle or an iPad? What about YouTube or other Internet sites that do not have 200 years of tradition and jurisprudence protecting them? Is a statement from a government lawyer that "we've never prosecuted anyone for that" really an acceptable protection of a constitutionally guaranteed right? As Chief Justice John Roberts rightly noted that day, "we don't put our First Amendment rights in the hands of FEC bureaucrats."



To argue that *Citizens United v. FEC* was about anything other than the right of American citizens to join together and exercise their constitutionally guaranteed right to political speech is typical Washington double-speak. The remedy for speech that one does not agree with is more speech, not regulation. A nominee who believes that certain types of speech and certain speakers should be censored for no other reason than that speech affects a lawmaker's chances of reelection is not fit for the Supreme Court. If confirmed, Kagan would wield enormous power over the constitutionally guaranteed right of every American to participate in the political process — a right that she believes government can restrict.

Sincerely,
David N. Bossie