

MEDIAMATTERS
FOR AMERICA

NRO's Whelan Casually Accuses An Obama Judicial Nominee Of Committing A Felony

February 24, 2011 11:03 pm ET - by Adam Shah

In a National Review Online blog post today, conservative commentator Ed Whelan said we should "disbelieve" the testimony by Obama judicial nominee Caitlin Halligan that "the best way in which we can interpret [the Constitution] is to look to the text and the original intent of the Framers" and that it is not "ever appropriate to rely on foreign law in deciding the meaning of the U.S. Constitution."

His evidence: That Democratic nominees don't believe such things and that Halligan said in post-hearing written questions that she hadn't previously made the same statements. Therefore, she must be lying.

For the record, there are progressives who strongly believe that the text and history of the Constitution should form the basis of constitutional interpretation. Furthermore, in a statement consistent with her prior remarks on the subject, Justice Sonia Sotomayor said during her confirmation hearing that "I do not believe that foreign law should be used to -- to determine the results under constitutional law or American law, except where American law directs."

It is on this flimsy evidence that Whelan accuses Halligan of lying in her testimony. As a reminder, lying to Congress is a felony.

Copyright © 2010 Media Matters for America. All rights reserved.