



Obama Biden Watch



Volume 2
Issue 2

February 2010

www.obamabidenwatch.org
www.citizensunited.org

2010 U.S. House & U.S. Senate Outlook

Times are tough in America, and voters are not in a patient mood. The Democrat Party squandered an enormous opportunity in 2009. Despite controlling the presidency and enjoying huge majorities in both houses of Congress, the liberals failed to achieve any positive results for the American people. Over the past 365 days, Americans from Maine to California witnessed in disbelief as the liberals, once again, tried to enact their same-old ineffective agenda of higher taxes, more spending, more regulation, less freedom, and an utterly naïve foreign policy.

Instead of passing a bipartisan economic stimulus bill, President Obama and Congressional Democrats rammed through a \$787 billion spending bill that has been an unprecedented failure. To date, our nation's unemployment rate is stuck at a whopping 10 percent. Instead of attempting to win the War on Terror, President Obama and Congressional Democrats have decided to disarm. The decisions to close Guantanamo prison, give terrorists civil trials, and stop enhanced interrogation techniques have made America less safe. Instead of being fiscally responsible as promised, President Obama



and congressional Democrats have caused our federal budget deficit to increase dramatically and have caused our national debt to reach unprecedented levels. Instead of focusing on putting an end to our dependence on foreign oil and enacting a sustainable energy policy, President Obama and congressional Democrats decided to waste more than a year trying to pass an irresponsible health care overhaul. Instead of cutting taxes and regulations to spur job growth, the liberals, led by Obama and Pelosi, rushed a partisan climate change bill through the U.S. House that will do nothing but kill jobs and raise taxes.

It should come as no surprise that, once again, this hopelessly out of touch agenda is being soundly rejected. The election of Republican Governors in Virginia and New Jersey and a Republican Senator in Massachusetts, represent warning shots fired by voters across the bow of the USS Obama-Pelosi-Reid. The question is, can these liberals restrain themselves in time for the midterm elections and forge some positive results, or has the damage been done?

Continued on the next page...

...Continued from Pg. 1

After just one year of controlling the levers of power in Washington, the American people appear ready to demote the Democrats to minority status on Capitol Hill, and move the United States back to a shared power arrangement in which the Democrats control the executive branch and the Republicans control the legislative branch. The last time this occurred, Bill Clinton and Newt Gingrich sat in a room and managed to balance the federal budget and enact sweeping welfare reform. Imagine that!

Believe it or not, there's less than nine months until the 2010 midterm elections. A year ago, if someone said that the Republicans had a legitimate chance to recapture the majority in not one, but both houses of Congress, they would have been dismissed as insane. However, as Scott Brown's election demonstrates, anything is possible in politics. Not only does the U.S. House appear poised to change hands and make Rep. John Boehner the next Speaker of the House, but the U.S. Senate by many accounts is also in play for a Republican takeover. The following is a scenario that can make both of these propositions a reality.

U.S. Senate

Republicans need to net 10 Democrat-held Senate seats to regain the majority, and here are the best opportunities.

Delaware: U.S. Rep. Mike Castle is heavily favored to win Joe Biden's old Senate seat.

Illinois: U.S. Rep. Mark Kirk is running a strong race and could easily take Barack Obama's old Senate seat.

North Dakota: Governor John Hoeven is poised to win the seat of retiring Senator Byron Dorgan.

Nevada: Senator Majority Leader Harry Reid is so unpopular in his home state that three potential Republican challengers are all leading him in the polls.

Arkansas: When U.S. Rep. John Boozman entered the race to challenge incumbent Senator Blanche Lincoln, the first poll released

Continued on the next page...

In this Issue

Confirmation Calculus
Pg. 4

Notable Quotables
Pg. 5

Bipartisanship Problem
Pg. 6

Citizens United
Productions Presents
Pg. 7

Final Thoughts
Pg. 8

Published By
Citizens United

Editor
David N. Bossie

Managing Editor
J.T. Mastranadi

Contributor
Will Holley

Publication Design
Kirk Risinger
Michael Catts

Copyright © 2010 by Citizens
United

had him winning by the astonishing margin of 56 percent to 33 percent.

Pennsylvania: Polls indicate that former U.S. Rep. Pat Toomey can prevail in a general election match-up against either U.S. Rep. Joe Sestak or turncoat incumbent Arlen Specter.

Colorado: Unelected and unproven Senator Michael Bennet is running a mile-high uphill battle to keep his seat.

Indiana: Incumbent Senator Evan Bayh shocked the political world by announcing his retirement, making former U.S. Senator Dan Coats the favorite in this state.

California: Even in liberal California, voters appear to be re-thinking the idea of another six years of Barbara Boxer as the entrenched incumbent could face her toughest battle at the ballot ever.

Wisconsin: Recent polling indicates that incumbent Russ Feingold could be in serious trouble if former Governor Tommy Thompson gets in the race.

Washington: Recent polling indicates that incumbent Patty Murray would be in the same boat as Feingold if almost-Governor Dino Rossi decides to mount a challenge.

New York: Unelected and unknown Senator Kirsten Gillibrand is clearly vulnerable as former Tennessee Rep. Harold Ford is considering a primary challenge in the Empire State.

U.S. House

Republicans need to net 40 Democrat-held House seats to regain the majority, and here

are 40 vulnerable seats that should be focused on for now.

LA-3 (Open-Charlie Melancon); **VA-5** (Tom Perriello); **MD-1** (Frank Kratovil); **KS-3** (Open-Dennis Moore); **OH-1** (Steve Driehaus); **OH-15** (Mary Jo Kilroy); **FL-8** (Alan Grayson); **NM-2** (Harry Teague); **NH-2** (Open-Paul Hodes); **NY-23** (Bill Owens); **AR-2** (Open-Vic Snyder); **AL-2** (Bobby Bright); **ID-1** (Walt Minnick); **MS-1** (Travis Childers); **NH-1** (Carol Shea-Porter); **TN-8** (Open-John Tanner); **FL-24** (Suzanne Kosmas); **PA-7** (Open-Joe Sestak); **CO-4** (Betsy Markey); **MI-7** (Mark Schauer); **IN-9** (Baron Hill); **IL-14** (Bill Foster); **OH-18** (Zach Space); **OH-16** (John Boccieri); **TX-17** (Chet Edwards); **NY-29** (Eric Massa); **WI-8** (Steve Kagen); **CA-11** (Jerry McNerney); **NV-3** (Dina Titus); **VA-2** (Glenn Nye); **NC-8** (Larry Kissell); **NJ-3** (John Adler); **CA-47** (Loretta Sanchez); **AZ-5** (Harry Mitchell); **WA-3** (Open-Brian Baird); **TN-6** (Open-Bart Gordon); **AR-1** (Open-Marion Berry); **PA-12** (Open-John Murtha); **PA-3** (Kathy Dahlkemper); **and AZ-1** (Ann Kirkpatrick).

In Closing

On account of complete Democrat incompetence throughout 2009, the future is now for Republicans! We live in a center-right nation, and most Americans tend to agree with bed-rock conservative principles like streamlining government, lowering taxes and regulations, cutting spending, and getting tough with terrorists and rogue nations. This is a winning message for 2010. If Republicans manage to regain power in the legislative branch starting in January 2011, they would be wise to remember that the American people are impatient for positive results and won't hesitate to put Democrats back in power if it turns out that no lessons were learned.

Changing The Confirmation Calculus

The election of Scott Brown to the United States Senate from Massachusetts changed the confirmation calculus. Before December 8, 2009, President Obama had no fear that his nominees to federal agency appointments or the courts would sail through the Senate. Now, in a Scott Brown world, President Obama needs to change his calculus, and reevaluate his nominees.

Take the case of labor union flack Craig Becker. President Obama had nominated him for a slot on the National Labor Relations Board. He currently serves as Associate General Counsel to the Service Employees International Union (SEIU). He's a proponent of card-check, a measure to help rejuvenate the dying organized labor movement. The President and Senate Democrats tried to schedule his hearings and call a vote prior to Senator Scott Brown being sworn in. They

couldn't fast track his nomination. After Scott Brown was seated, Becker was voted down by the United States Senate. Even Democratic Senators Blanche Lincoln and Ben Nelson wouldn't join the far-left in pushing this nominee through.

Sadly Obama's reaction to this defeat was to announce he will consider making recess appointments; he's going to get his far left nominees whether the Senate will confirm them or not.

While a slot on the NLRB is a powerful position, the President will have the opportunity to nominate judges who will have a longer lasting impact. It's likely that President Obama will have at least one more opportunity to nominate a Justice to the highest court in the land. The most likely candidate for retirement is 89 year old Supreme Court Justice John Paul Stevens. There are rumors of a second potential vacancy due to Justice Ruth Bader Ginsberg's health.

Just as important are the 20 vacancies on Circuit Courts, four of which are on the court widely considered to be the most conservative, the United States Court of Appeals for the Fourth Circuit.

It is unlikely the President will try to use his recess appointment powers to fill these slots. He will have to submit his nominee(s) to the United States Senate, and they will be subject to the confirmation process. Their records will be reviewed, their decisions scrutinized, their personal lives and judicial philosophies placed under a microscope.



Congressional Confirmation Hearing

Knowing his nominees will face a thorough review, who will President Obama nominate for a vacancy on the Supreme Court? Will he choose a respected intellectual as President George W. Bush did with the nomination of John Roberts, or will he choose a partisan political activist to reassure his liberal base? Perhaps he'll look for the "empathy" he found in Justice Sonya Sotomayor. Here are three to watch: Judge Merrick Garland, Judge Diane Wood, and Solicitor General Elena Kagan.

Judge Merrick Garland currently sits on the United States Court of Appeals for the District of Columbia Circuit. This Court is often described as a breeding ground for Supreme Court Justices. Chief Justice John Roberts, Justices Antonin Scalia, Clarence Thomas, and Ruth Bader Ginsburg are all alumni.

Judge Garland was nominated to the DC Circuit by President Clinton. He had formerly worked in Clinton's Justice Department where he investigated the Oklahoma City bombing. As a jurist he's known for being an intellectual, much like Chief Justice Roberts. Judge Garland could be Obama's most strategic nominee.

Continued on the next page...

Judge Diane Wood however would signal his intention to appease the left. Widely considered one of the more liberal potential Obama nominees, Judge Wood sits on the Court of Appeals for the Seventh Circuit. She too, worked in the Clinton Justice Department, as Deputy Assistant Attorney General in the Antitrust Division. Since her appointment to the bench in 1995, she has developed her liberal credentials. As a judge she has ruled against bans on partial-birth abortions, and has allowed abortion rights activists to sue pro-life protesters using RICO laws designed to prosecute organized crime.

The third prospect will also pursue a liberal agenda. Solicitor General Elena Kagan is the attorney tasked with defending the Administration's activities in court. As Solicitor General she represents the government before the Supreme Court. She has already proven her ability to survive confirmation by the Senate, but that was before assuming the role of the legal advocate for the Administration. She's developed a record which will provide much fodder for the Senate, assuming she turns over her papers.

Solicitor General Kagan's office defended the government's position in *Citizens United v. FEC*. A career deputy in that office stated that the government could ban books should they include a sentence advocating for, or against, a candidate for office. After public shock and criticism Solicitor General Kagan softened the government's position.

As the Court wraps up its session this spring, expect Justice Stevens and Justice Ginsberg to announce their intentions. The Administration will likely move quickly to nominate successors and try to force the Senate to act on the nominations before the summer recess. The President's nominees will shed light on whether President Obama will moderate his liberal agenda in his time remaining in office, or whether he'll continue to pander to the far-left.

Notable Quotables

"The federal budget deficit has long since graduated from nuisance to headache to pressing national concern. Now, however, it has become so large and persistent that it is time to start thinking of it as something else entirely: a national-security threat. The budget plan released Monday by the Obama administration illustrates why this escalation is warranted. The numbers are mind-numbing: a \$1.6 trillion deficit this year, \$1.3 trillion next year, \$8.5 trillion for the next 10 years combined—and that assumes Congress enacts President Barack Obama's proposals to start bringing it down, and that the proposals work."

(*The Wall Street Journal*, February 2, 2010)

Former Governor Douglas Wilder (D-VA): "The president is surrounded by 'people who are in their jobs because of their Chicago connections or because they signed on with Obama early during the presidential campaign' but lack 'sufficient experience at governing at the executive branch level.'"

(*The Virginian-Pilot*, February 9, 2010)

"Education Secretary Arne Duncan on Tuesday apologized for saying that Hurricane Katrina was the 'best thing that happened' to education in the New Orleans school system."

(*The Hill*, February 2, 2010)

Senator Evan Bayh (D-IN): "But if I could create one job in the private sector by helping to grow a business, that would be one more than Congress has created in the last six months."

(*Politico*, February 16, 2010)

Obama's Bipartisanship Problem

President Obama spent most of his time on the campaign trail complaining about rampant partisanship in Washington. In state after state, he pointed the finger at Republicans and claimed that they were to blame for the gridlock in the nation's capital. He claimed that he would be a "new" kind of President and would bring "hope" and "change" to DC. But then a funny thing happened - Candidate Obama became President Obama. And while the lip service paying tribute to the idea of bipartisanship continues unabated, President Obama's actions speak much louder than his words.

The Obama Administration's tenure in the White House began with a behemoth of a "stimulus" package that cost the taxpayers nearly \$1 trillion. The Obama White House, aided by trusty lieutenants Speaker Nancy Pelosi and Majority Leader Harry Reid, forced the bill through Congress with no Republican votes. During the "debate" over the bill, which consisted mostly of Speaker Pelosi and Leader Reid studiously ignoring Republicans' warnings that the bill was nothing but a boondoggle of special interest kickbacks and earmarks, President Obama staged a dog-and-pony show where he visited Congressional Republicans to try to get their support.

In the end, the President and his allies got their "stimulus" bill, which President Obama signed despite the fact that it broke his oft-repeated campaign promise to reign in pork-barrel earmarking, but the American people did not get any jobs. President Obama promised that if this bill was passed, the unemployment rate would remain below 8%, but a full year later, the official unemployment rate hovers around 10% with the real rate somewhere closer to 20%.

Later in the year, President Obama coerced the House of Representatives and the United States Senate into voting on a health care bill. The House finally shoved a bill through with exactly

one Republican voting in favor. In the Senate, the Democratic leadership vainly attempted to persuade Senator Olympia Snowe of Maine to join them, and it almost worked. But in the end, President Obama cut sweetheart deals with Democratic special interests that sunk the deal. At the last minute, he huddled with union bosses, and, for purely partisan reasons, exempted gold-plated union health care plans from a proposed tax.



The fundamental problem with Obama's approach is that his "bipartisanship" means nothing more than capitulation. After the unions got their backroom deal and any remaining Republicans backed away from the bill, he criticized them for being "obstructionist." But which side was really standing in the way of the deal? The Republicans, who offered their own ideas only to be shot down time after time? Or the Democrats, who simply drew up a bill in Senator Reid's office behind closed and locked doors and then expected Republicans to go along with it?

Bipartisanship is a two-way street, and symbolic meetings with Republicans are not "bipartisanship" if the President refuses to incorporate ideas and suggestions from the other side. If the White House refuses to compromise on strongly held beliefs, why in the world should Republicans compromise on their own principles?

But the truth of the matter is that President Obama and his Administration are not even half of the problem. What Candidate Obama did not realize during the campaign is that when he promised bipartisanship and transparency in health care negotiations, he was making promises that he could not hope to keep.

Continued on the next page

For instance, when President Obama promised multiple times that health care meetings would be broadcast on C-SPAN, it apparently did not occur to him that Speaker Nancy Pelosi and Majority Leader Harry Reid might not go along with the plan. In fact, when asked about President Obama's C-SPAN promise, her response was a snarky "there are a number of things he was for on the campaign trail."

That problem has only been compounded by the Obama White House's refusal to expend political capital to keep Congressional Democrats in line. First, he delegated the writing of the entire stimulus bill to Congress and ended up with a budget-busting, earmark-laden package that did little or nothing to stimulate the economy. Next, he attempted to delegate the task of writing a health care reform bill to Congress. The result was a fragmented process that churned out multiple bills with wildly diverging provisions and almost no significant Republican input. During this process, President Obama did little more than set unrealistic deadlines for Congress, and steadfastly refused to declare his preferences on what the bill should look like. Despite the raging debate over the inclusion of a "public option," the

President and his advisors could not be pinned down on whether or not they would sign a bill without it, or if they even favored its inclusion.

The problem with such lack of leadership from the White House is that there is no consistent message. The President says "transparency" and Speaker Pelosi and Leader Reid hold marathon meetings with special interests behind closed doors. Multiple health care bills emerge from multiple committees and the President refuses to declare which one he favors, so there is nobody to explain to the American people what is actually in them. The President spends the better part of two years complaining about partisanship, but he cannot force his fellow Democrats on Capitol Hill to make good on his promise.

The President has an enormous megaphone to make promises and has similarly enormous power to ensure that they are kept. But until President Obama decides to take a risk and use that megaphone and that power to follow through on the promises that he made during the campaign, the American people will be stuck with a lot of "hope" but not much "change."

Citizens United Productions Presents

Citizens United Productions is proud to announce the release of its latest film, *Generation Zero!* This film takes a look back on the financial meltdown and the reasons behind the collapse. Featuring experts, authors and pundits from across the political spectrum, *Generation Zero* exposes the little told story of how the mindset of the baby boomers sowed the seeds of economic disaster that will be reaped by coming generations.



The world premiere of the film will be held in Washington D.C. on March 16th at the AMC Loews Theater in Georgetown. Other premieres are in the works around the country. Be sure to check www.CitizensUnited.org or www.GenerationZeroMovie.com for a screening near you, or to purchase any of our other films.

*****Don't miss the sneak peak of *Generation Zero* at CPAC*****

The film will be shown on Friday, February 19th at 8pm in the Maryland Ballroom.

A FINAL THOUGHT FROM
CITIZENS UNITED PRESIDENT
DAVID N. BOSSIE

Dear Friends,

In his first State of the Union Address, President Obama berated the Justices of the Supreme Court for their decision in *Citizens United v. Federal Election Commission*. That fact alone is unprecedented. What's worse is that the President did not let the facts of the decision stand in the way of his personal partisan attack on members of the Court.

In his remarks, Obama attacked the Court, stating: "Last week, the Supreme Court reversed a century of law to open the floodgates for special interests — including foreign corporations — to spend without limit in our elections." The President, a former Constitutional law professor, who has surrounded himself with high-profile attorneys including White House Counsel Bob Bauer and Attorney General Eric Holder should know better.

To begin with, the President's statement that the Supreme Court had reversed a "century of law" is simply false. Contrary to his assertion, the Supreme Court struck down a seven-year-old law predicated on a 19-year-old decision.

More importantly, the President's comments about foreign corporations were nothing more than a disingenuous scare tactic designed to score political points at the expense of the truth. In finding the ban on corporate political speech unconstitutional, the Supreme Court did not overturn the ban on political contributions and expenditures by foreign nationals. Former FEC Chairman Bradley A. Smith is right when he notes Obama's attack on *Citizens United* "is either blithering ignorance of the law, or demagoguery of the worst kind."

In crafting his position on Citizens United, it is safe to assume President Obama relied on the expertise of his attorneys Bob Bauer and Eric Holder. After all, Bauer had filed an amicus brief in the case defending the restraint of free speech and Holder is the Administration's top lawyer. Unfortunately, this is not the first time that these lawyers have led the President astray.



Bauer and Holder are the lawyers primarily responsible for advising the President regarding national security. On their watch, we have seen the administration bring dangerous detainees from Guantanamo Bay to the United States and a failure to treat the Christmas Day bomber as an enemy combatant. Reports indicate that Obama's lawyers have failed to consult or follow the advice of officials best informed on these issues. With important matters of national security the consequences are too great to allow such dubious legal advice to stand.

From their perches in Washington, D.C., Bauer and Holder have insulated themselves from the advice and intelligence necessary to properly advise the President. They've crafted their legal opinions to support an agenda in clear opposition to facts, law, and our national security.

In recent months President Obama has had a tough time holding onto his lawyers. White House Counsel Gregory Craig returned to private practice, as did Eric Holder's chief deputy David Ogden. In light of the questionable advice he has been receiving from Bob Bauer and Eric Holder, I sincerely hope President Obama shuffles the deck once again and seeks out competent representation.

Sincerely,
David N. Bossie