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NomineeAlert



Halligan's Background

General Counsel, New York County District Attorney's Office

Lecturer-in-Law, Columbia Law School

Partner, Weil, Gotshal & Manges, LLP

Counsel, Board of Directors, Lower Manhattan Development Corporation

Solicitor General of New York State

Chief, Internet Bureau, New York State Attorney General's Office

Law Clerk, U.S. Supreme Court Justice Stephen Breyer

Adjunct Faculty, Georgetown University Law Center

Associate, Wiley, Rein & Fielding

Law Clerk, Judge Patricia M. Wald of the U.S. Court of Appeals for the District of Columbia Circuit

Policy Associate, Georgians for Children

Legislative Aide, U.S. Rep. William Alexander (D-AR)

Managing Editor, Georgetown Law Review

Member, Board of Editors, New York Law Journal

Member, Special Committee on Civil Rights, New York State Bar Association

Member, New York State Judicial Screening Committees

EDUCATION

B.A., Princeton University, 1988

J.D., Georgetown University Law Center, 1995

this issue:

Caitlin Halligan,
Nominee for the U.S. Court of Appeals for the District of Columbia

Who is Caitlin Halligan? No Judicial Experience

On January 5, 2011 President Obama nominated Caitlin Halligan to the U.S. Court of Appeals for the District of Columbia.

In her written response to a Senate questionnaire, she included a controversial report on detainees that was written by a committee on which she served. Only after being questioned about the report did she distance herself from it and claim

not to recall having any role in the drafting of the document. Fn.1.

In December of 2009, Halligan was elected to the board of the liberal American Constitution Society. She did not accept the position because her current office precludes such service. Fn.2.

Halligan was hired and promoted by the disgraced Eliot Spitzer. She worked for him for

seven years. The president of the U.S. Chamber of commerce stated that Spitzer practiced "the most egregious and unacceptable form of intimidation we've seen in this country in modern times." Fn.3.

Over the years, Halligan has worked hard to advance the cause of

liberalism. For example, she wrote a brief supporting the abortion industry in *Scheidler v. National Organization for Women*. The pro-abortion National Organization for Women wanted to bankrupt pro-life protesters using RICO laws. The Supreme court rejected Halligan's radical position by a vote of 8-1.

"Having never served as a judge, Caitlin Halligan lacks the requisite experience for the second-highest court in the nation. Furthermore, her liberal activism calls into question her ability to be impartial."

-Bill Wilson, President, Americans for Limited Government

Sources for further reading:

Fn.1. Ed Whelan, *D.C. Circuit Nominee Caitlin Halligan's Testimony on Report on Indefinite Detention—Part 2*, NATIONAL REVIEW ONLINE, February 4, 2011.

Fn.2. Halligan's responses to the Senate Judiciary questionnaire. Available online at <http://judiciary.senate.gov/nominations/112thCongressJudicialNominations/upload/CaitlinHalligan-PublicQuestionnaireUpdate.pdf>

Fn.3. *U.S. Group Is Taking on Spitzer*, NEW YORK TIMES, January 6, 2005.

Fn.4. Ed Whelan, *D.C. Circuit Nominee Caitlin Halligan: Racial Preferences*, NATIONAL REVIEW ONLINE, February 1, 2011.

Fn.5. *In Law School, D.C. Circuit Pick Researched Healthcare Rationing*, THE BLT: THE BLOG OF LEGAL TIMES, October 19, 2010.

Fn.6. See Fn.2.

Fn.7. David Ingram, *D.C. Circuit Pick Discloses Income, Political Contacts*, THE BLT: THE BLOG OF LEGAL TIMES, October 12, 2010.

Fn.8. Urban Justice Center website

See Fn.2.

What you really need to know about Halligan

As New York's solicitor general, she supported racial preferences in school admissions. Fn.4.

She filed an amicus brief opposing states' rights. A former bureaucrat sued Nevada under the Family and Medical Leave Act. Nevada argued that the law did not apply to states; Halligan argued that the law did apply. She was joined by five other states; Nevada's position was supported by 13 states.

She opposed greater transparency in the New York state justice system by fighting an attempt to place cameras in courtrooms.

While solicitor general, she supported requiring the State of New York to recognize gay marriages that occurred outside of the state.

She argued on behalf of a state statute that prohibited out-of-state wineries from selling wine directly to New Yorkers. The United States Supreme Court struck down this protectionist law as unconstitutional.

In the 1990s, she wrote a law review note about Oregon's attempt to ration Medicare. Of rationing, she wrote, "the public is not only capable of making this choice, but in a democratic system, is entitled to do so." Fn.5.

Before heading to law school, she worked for a senior Congressional Democrat, a liberal children's advocacy group, and as an assistant to a Peter Edelman. Edelman is such a staunch liberal that he resigned from the Clinton Administration in protest over welfare reform.

She has given thousands of dollars to Democrats, donated her legal services to Obama's campaign, and even canvassed on Obama's behalf. In addition, she volunteered for John Kerry, Eliot Spitzer, and her current boss Manhattan district attorney, Cyrus Vance, Jr. She supported the nomination of Sonia Sotomayor to the Supreme Court. Fn.6.

In the brief period of time that she spent in the private sector between 2008 and 2009, Halligan received over \$2.6 million from her law firm Weil, Gotshal & Manges. Fn.7.

Her husband, Marc Falcone, is currently a partner at a large law firm. He serves on the board of a very liberal legal services organization that has worked closely with ACORN and similar groups. The organization advocates for UN standards on human rights, including rights to food, housing, health, and employment. Last year, this organization called for New York City to seize 4,000 empty condominium units and redistribute them to the poor. Halligan has also given money to her husband's radical organization. Fn.8.

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