



Written by [Joe Wolverton, II, J.D.](#) on July 26, 2010

Elena Kagan Furthers the Funding of Radical Islam

Elena Kagan has a problem with fundamentalism — Christian fundamentalism. Kagan has no similar qualms about Sharia, the jurisprudential expression of Islamic fundamentalism, however.

Proof of this postulate is found, as with that of many of her policy predilections, in her attitudes, actions, and accommodations while she worked in the administration of the Harvard Law School (culminating in her near six-year stint as the dean of that institution).



Well-documented is her near total banishment of recruiters for the United States military from the campus of Harvard Law. By taking such a stance, Dean Kagan willfully disregarded the Solomon Amendment (the popular name of 10 U.S.C. § 983, a federal statute that allows the Secretary of Defense to deny federal grants to institutions of higher education if they prohibit or prevent military recruitment on campus). This should have cost Harvard \$400 million dollars in federal funding it receives annually. Don't worry — it didn't.

Kagan's justification for violating the law was her opinion of the military's "Don't Ask, Don't Tell" policy (10 U.S.C. § 654), a law barring openly homosexual men and women from serving in the armed forces. Kagan called Don't Ask, Don't Tell "a profound moral wrong — a moral injustice of the first order." Thus placing her opinion of the rightness of the matter in a position of moral superiority to a statute lawfully promulgated by the legislative branch of the government and signed into law by the President.

While Kagan's Quixotic tilting against the legal windmills parading (in her mind) as immoral dragons may have a tinge of nobility, it is her buffet-style approach to these grand moral issues that should concern members of the United States Senate who will soon be asked to confirm her appointment to the highest court.

As stated earlier, while Elena Kagan has no trouble "standing up" and resisting the immoral (as she sees it) decisions made in furtherance of the military's policy of Don't Ask, Don't Tell, judging from her more than hospitable treatment of Islamic fundamentalism and those who practice and preach it, she has no similar disquiet when it comes to the atrocities committed in the name of obedience to Sharia.

[Sharia](#) is the sacred law of Islam. The precepts of Sharia have two sources: the Koran and the writings of Mohammed. Sharia is the code that is responsible for the stoning of adulteresses, the caning of rape victims, and most ironic considering Kagan's personal outlook on the matter, the branding of homosexuals as "enemies of the Muslim state."

While at Harvard, Kagan sat idly and mutely witnessed the ready acceptance by her mentor, Harvard President Larry Summers, of a \$20 million endowment from Saudi prince Alwaleed bin Talal to fund the creation of a program to study Islamic history and Sharia.

This royal patron is the same man who tried donating \$10 million to the Twin Towers fund, which was



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summarily refused by New York Mayor Rudolph Giuliani because of bin Talal's statements assigning fault for the 9/11 terror attacks to American foreign policy and not to Islamic extremism.

Kagan sat politely in her seat while the back of that enormous check was endorsed. There was no demonstration, no recrimination, no renouncement of the injustices committed against homosexuals in the name of Allah. There was no call to ostracize the members of the Saudi royal family that imposes and protects the perpetuation of Sharia in its kingdom. Cash, to Elena Kagan, apparently covers a multitude of sins.

Were that Elena Kagan's only moral contradiction, the case against her would be less severe. Notably, it is not the only example, however.

During her tenure as dean of the Harvard Law School, Kagan facilitated the establishment of the law school's "Islamic Finance Project (IFP)" as part of the school's Islamic Legal Studies Program. The aim of this project, as published on the [IFP's website](#) is to "offer the field of Islamic finance a much needed academic thrust."

That's quite a different stance from when a morally outraged Dean Kagan thrust the United States military off the campus of Harvard Law. The good news is that in the space vacated by the retreating recruiters there would be ample room for the occupying forces of those seeking to hoist sails of scholarship on the ship of Sharia extremism.

One pernicious expression of this insidious seepage of Sharia into the groundwater of American finance and jurisprudence concerns an investment program known as Shariah Compliant Funds (SCF). It a nutshell, SCF is a portfolio of investments in which Muslims can place their wealth with the comfort of knowing that all decisions made regarding the money will follow the dictates of Sharia.

According to a report published in [The Hill](#), these money managers will "routinely collect 2.5 percent of the principal of any investment annually for donation to charitable institutions, fine recipients of their investment 7 percent for transgressions of Shariah law ... and only invest in projects compliant with the rules of Shariah."

The arbiters of Sharia compliance are the Shariah Compliance Boards appointed by the various participating banks and investment houses. The members of this board discriminate among the various potential investments based on such criteria as whether the investment has any link to any firm that may be pro-Israeli. The slightest taint of Israeli influence and the fund is permanently proscribed from participation in the SCF scheme.

So, while the foregoing makes a case for Elena Kagan's moral ambivalence and her sideshow worthy ability to contort her convictions in the face of fistfuls of cash, how is the issue of her sponsorship of IFP and that group's relationship to SCF of any immediate concern?

The answer is the [legal challenge](#) currently making its way along the long legal road to the Supreme Court. The case is *Kevin Murray v. Timothy Geithner and the Federal Reserve Board*, and it has been filed in the United States District Court for the Eastern District of Michigan. In the suit and its companion, the plaintiffs are seeking a restraining order against banks that received TARP funds from accepting SCF money.

One of the plaintiff's co-counsel [argues](#):

Shariah is the Islamic legal doctrine and system that drives jihad against the infidel West and provides for murdering apostates—those Muslims who seek to exercise some modicum of religious



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liberty by leaving Islam. Shariah-compliant finance (SCF) is the application of this dangerous if not fatal religious-legal system to modern finance, business, and economics. There is no space between the Shariah that drives OBL, Qaradawi, and the Muslim Brotherhood and SCF as practiced by Dow Jones, HSBC, AIG and others. When the US government took more than \$150 billion of tax payer [sic] money to bail out and take ownership and control of AIG, it had a duty to its citizens and to common sense to remove any vestige of Shariah as the enemy's doctrine of war.

Instead, the US government embraced Shariah and provided AIG with over \$1 billion to further its Shariah promotion. US taxpayer dollars used to promote the very Islamic legal doctrine that calls for our destruction as a Western constitutional republic free from tyranny and unwanted religious dogma.

Mr. Kevin Murray, a former combat Marine (Iraq) brought this suit seeking to force either AIG out of Shariah or the U.S. government out of AIG because anything less at the very least was a patent violation of the First Amendment's Establishment Clause, not to mention an abject violation of the oath of office of every Treasury and Fed official embracing SCF.

The potential conflict of interest is obvious. Could a justice recently active in nurturing the growth of the academic and economic infrastructure of radical Islam rule fairly in a case where those very actions are the core legal question?

Furthermore, in light of those ties, could that justice be relied upon to stand as the ultimate sentry protecting America's legal and financial sectors from the influence of Sharia and its decidedly un-American dogma and doctrines?

This is the question that must be put to our Senators in advance of their vote on the confirmation of Elena Kagan.

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