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# **KEN CUCCINELLI**

**THE ATTORNEY GENERAL OF  
THE TEA PARTY**

## INTRODUCTION

In the first test for a Republican Party that is still reeling from the disastrous 2012 election, Virginia's gubernatorial race could have provided the GOP an opportunity to temper its [ultraconservative platform](#) or restrain its [partnership with the Tea Party](#). But the choice of state attorney general Ken Cuccinelli to be the party's presumptive nominee for governor indicates that the GOP is moving even further to the right and letting go of any pretense of moderation or bipartisanship.

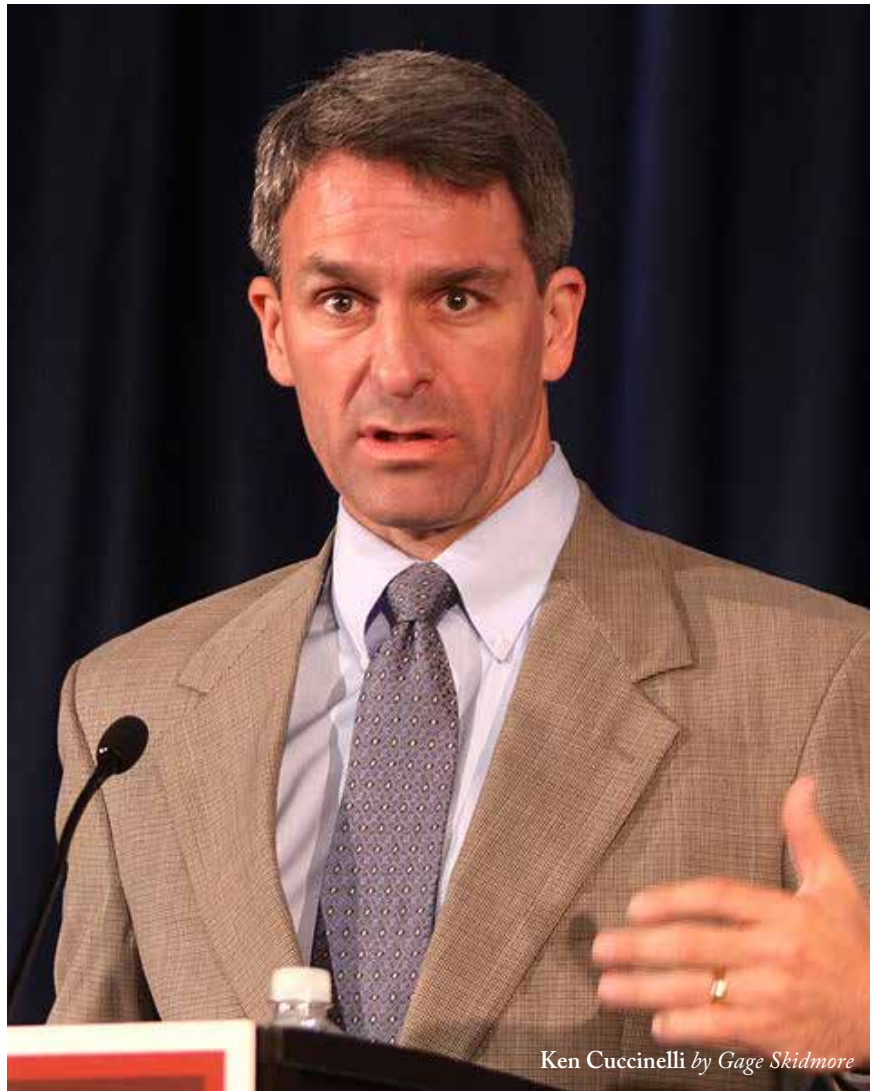
Throughout his career, Cuccinelli has been something of a bellwether for the course of the Republican Party. He won his first political office in 2002, when he deposed a moderate, pro-choice Republican incumbent in Virginia's state senate, leading the incumbent to lament, "The GOP picked someone whose thinking is so ancient, he would be an embarrassment to Northern Virginia." In 2009, he was on the front lines of the Tea Party movement, winning election to the state attorney general's office on a wave of anti-Obama rhetoric and renewed culture-war spirit.

As Virginia's attorney general, Cuccinelli has become a right-wing rock star. He's picked fights with the Obama administration, scientists, colleges and universities, and supporters of gay, immigrant and reproductive rights, and strategically allied himself with birthers, climate change deniers, Religious Right activists, Tea Party members and the NRA.

Now, Cuccinelli's gubernatorial candidacy may be a test of how far the GOP is willing and able to take its recent lurch to the right. If the choice of Cuccinelli to head the party's ticket in Virginia is any clue, the GOP has abandoned any pretense of reflection and soul-searching and decided to go all in on its embrace of the Radical Right's policies and rhetoric. Whether he succeeds, and whether the national Republican Party will continue to embrace Cuccinelli and the extremism he represents, may tell us quite a lot about the future of our politics.

## HEALTH CARE

Cuccinelli emerged as a hero of the Tea Party movement when he filed suit against the Affordable Care Act [five minutes after it was signed into law](#). While the Supreme Court ultimately determined the law to be constitutional, Cuccinelli used the legal battle to gain national attention and publicity,



Ken Cuccinelli by Gage Skidmore

[especially after he won an initial challenge to the individual mandate](#) in a federal district court. In an interview with the Christian Broadcasting Network about his challenge to the health law, Cuccinelli [suggested that God made him attorney general](#) to save the Constitution from President Barack Obama. He [told](#) the conservative website CNSNews that by signing the law, Obama proved himself to be a greater tyrant than King George III.

Cuccinelli bizarrely asserted that the Affordable Care Act could give **the government the ability to "order you to buy a Chevy Equinox."**

Not one for subtlety, Cuccinelli [told](#) Patrick Henry College students that the health care reform law was “one of the greatest erosions of liberty in your lifetime or mine.” In [a column](#) for the far-right *American Spectator*, he called the law an “onslaught on our liberty” that would lead to an “enormous loss of liberty [that] is antithetical to America’s founding principles.”

He bizarrely [asserted](#) that the Affordable Care Act could give the government the ability to “order you to buy a Chevy Equinox.” At a 2010 rally, he went even further, [saying](#) that the law might put people in jail: “If the federal government can order you to buy anything with the penalty of going to jail, then you are not a free man or woman in the United States.” There is, of course, [no provision in the law](#) regarding jail time for people who do not purchase health insurance.

When the Obama administration ruled that under the ACA, health insurers must provide contraception coverage free of copay, Cuccinelli urged opponents to prepare to [“go to jail”](#) rather than comply with the mandate.

He has even implicitly compared his fight against universal health care and opposition to marriage equality to the civil rights movement, [citing](#) Martin Luther King, Jr. in a speech to Virginia clergy.

Cuccinelli is an outspoken critic not only of the health care reform law but also of social safety net programs like Social Security, Medicare and Medicaid. In his 2013 book, *The Last Line of Defense: The New Fight for American Liberty*, he [claims](#) that people receiving such benefits are “dependent” on the government and “feel they can’t afford to have the programs taken away, no matter how inefficient, poorly run, or costly to the rest of society.” He [writes](#) that such programs were created by “bad politicians [who] set out to grow government in order to increase their own power and influence” by winning the support of the people who are “getting the goodies.”

## ABORTION RIGHTS

In his 2012 commencement speech at Patrick Henry College, Cuccinelli recalled that he “first got into politics” a decade earlier because he objected to his Republican

state senator’s support for abortion rights. Cuccinelli went on to defeat that state senator, Warren Barry, in the 2002 Republican primary in his Northern Virginia district. Barry, displaying some prescience about the future of the Republican Party, endorsed Cuccinelli’s Democratic opponent, saying, “I don’t want to make a habit of endorsing Democrats but, in this case, the GOP picked someone whose thinking is so ancient, he would be an embarrassment to Northern Virginia.”

Cuccinelli’s views on reproductive rights are indeed “ancient.” He has [argued](#) that the anti-choice movement is similar to the fight to abolish slavery. “Over time, the truth demonstrates its own rightness, and its own righteousness,” he said. “Our experience as a country has demonstrated that on one issue after another. Start right at the beginning: slavery. Today, abortion.”

He is a proponent of radical “personhood” legislation, which would classify zygotes as “persons,” thereby **criminalizing all abortions**, several common forms of contraception, stem-cell research and in-vitro fertilization.

He is a [proponent](#) of radical “personhood” legislation, which would classify zygotes as “persons,” thereby criminalizing all abortions, several common forms of contraception, stem-cell research and in-vitro fertilization. Such “personhood” laws could even [prohibit](#) doctors from treating life-threatening ectopic pregnancies.

As a state senator, Cuccinelli proposed a bill that would require doctors

to [anesthetize the fetus before an abortion](#), a procedure that could jeopardize the life of the pregnant woman. He also sought to require any doctor performing abortions on a minor to “preserve fetal tissue extracted” during the procedure and send it to the state Department of Forensic Science “for the purpose of identifying the father of the fetus and determining if a crime was committed.” [\[PDF\]](#)

As attorney general, Cuccinelli [successfully pressured](#) Virginia’s Board of Health to [overrule a previous judgment](#) and approve “TRAP” (targeted regulation of abortion providers) laws that will likely result in the closure of the majority of the state’s abortion clinics. [According to The Virginian-Pilot](#), Cuccinelli “threatened Board of Health members that they could be denied state legal counsel and have to pay for their own defense if they again disregard his advice about relaxing controversial abortion clinic rules and litigation ensues.”





Cuccinelli has [tried to defund Planned Parenthood](#) in Virginia and has made the outrageous claims that the organization is [involved in sex trafficking](#) and [targets the black community](#). He has also [praised and raised money for](#) the radical anti-choice website LifeSiteNews and [spoken in favor of abstinence-only programs](#), warning that sex education promotes “[destructive](#)” activities and is part of an “[anything goes agenda](#).”

## IMMIGRATION

In 2010, Cuccinelli [signed on to an amicus brief](#) defending Arizona’s draconian anti-immigrant SB 1070 and [said](#) that he was “stunned that the government has sued Arizona.” He even issued a [legal opinion](#) in Virginia that mirrors one of SB 1070’s most controversial provisions, authorizing local police officers to check the immigration status of people they stop, detain or arrest for any reason.

In a 2012 radio interview, **Cuccinelli compared the deportation of undocumented immigrants to pest control.**

While in the state senate, Cuccinelli introduced a resolution [\[PDF\]](#) urging Congress to call a constitutional convention to rescind the 14th Amendment’s guarantee of birthright citizenship. In addition, Cuccinelli tried to amend labor laws [\[PDF\]](#) to allow employers to fire employees because of the “inability or refusal to speak English at the workplace” and to disqualify such workers from receiving unemployment benefits. He [twice opposed](#) bills that would allow undocumented immigrants to pay in-state tuition rates at Virginia public colleges and universities. He even

opposed the immigration reform plan proposed by the Bush administration, [arguing](#) that the bill was “something like amnesty” and represented “something of a ‘last straw’ for ordinary Republicans.”

Not only has Cuccinelli embraced the extremist policies of the anti-immigrant Right, he’s adopted their dehumanizing rhetoric as well. For instance, in a 2012 radio interview, Cuccinelli [compared](#) the deportation of undocumented immigrants to pest control.

## GAY RIGHTS

Cuccinelli, who [voted in favor](#) of a state constitutional amendment banning same-sex marriage and civil unions, used part of his commencement speech at the ultraconservative Patrick Henry College to chastise President Obama for his endorsement of gay marriage, claiming Obama thinks he knows “better than God”:

One [issue] I deal with is when the government and the media want to assault our faith and try to convince the world that their way is better than God’s way, like the president of the United States is doing this week. Where are we going to stand? We’ve got to fight to protect Christian values in a world that often tries to bury them, to say the least.

He also [commended](#) the Virginia Christian Alliance for distributing a “Real Men Marry Women” bumper sticker and warned that the “homosexual agenda” was a threat to the family:

One of the things that I faced in the Senate when I would be defending the continual assault, and

He [defended](#) his position by arguing that LGBT persons are not protected under the 14th Amendment’s Equal Protection Clause because categories like “sexual orientation” would “never have been contemplated by the people who wrote and voted for and passed the 14th Amendment.” Of course, in 1996 the Supreme Court found in [Romer v. Evans](#) that laws promoting anti-gay discrimination do indeed violate the Equal Protection Clause.

A year later, Cuccinelli reversed the legal opinion of his predecessor and [barred](#) the State Board of Social Services from [implementing](#) a proposal to allow same-sex couples to adopt children. He also [ended](#) a contract between the attorney general’s office and a law firm after the firm refused to defend the Defense of Marriage Act on behalf of the House Republican leadership.

As a member of the state senate, Cuccinelli [opposed](#) legislation that permitted companies to voluntarily extend health benefits to employees’ domestic partners and [condemned](#) homosexuality as “inherently wrong” and “not healthy to society”:

## Cuccinelli wants to abolish the U.S. Department of Education

it’s always going on, the homosexual agenda is there every year and it’s carried forward every year and there is this discussion of the word “family.” I would tell you there are elements of our society that aren’t real well-connected with the dictionary; it’s a real problem for them.

He has argued that same-sex unions [“harm children”](#) and [defended sodomy laws](#) after the Supreme Court in *Lawrence v. Texas* found them to be unconstitutional.

In March 2010, Cuccinelli sent a letter [\[PDF\]](#) to Virginia’s public colleges and universities directing them to drop job protections based on sexual orientation and gender identity and expression:

It is my advice that the law and public policy of the Commonwealth of Virginia prohibit a college or university from including “sexual orientation,” “gender identity,” “gender expression,” or like classification, as a protected class within its non-discrimination policy, absent specific authorization from the General Assembly.

My view is that homosexual acts, not homosexuality, but homosexual acts are wrong. They’re inherently wrong. And I think in a natural law-based country, it’s appropriate to have policies that reflect that. ... They don’t comport with natural law. I happen to think that it represents (to put it politely; I need my thesaurus to be polite) behavior that is not healthy to an individual and in aggregate is not healthy to society.

Cuccinelli routinely works with anti-gay groups, including [Concerned Women for America](#), [Faith and Freedom Coalition](#) and [Liberty Counsel](#), and with far-right activists such as [Del. Bob Marshall](#) and Virginia Christian Alliance board member [Joe Ellison](#). His Religious Right bona fides were further confirmed when he tried to censor Virginia’s Great Seal by covering up the goddess Virtus’ bosom, [a move for which he offered shifting explanations](#).

## VOTING RIGHTS

Cuccinelli has spoken out against Section 5 of the Voting Rights Act, which requires the Department of Justice to review changes in voting practices in states that have a history of state-sanctioned racial discrimination, claiming that Virginia has “[outgrown](#)” Justice Department oversight. As a state senator, he [voted against](#) efforts to make it easier to cast an absentee ballot and [twice opposed](#) efforts to restore voting rights to nonviolent felons before he switched his position to follow Governor Bob McDonnell.

## EDUCATION AND CHURCH-STATE SEPARATION

Cuccinelli wants to [abolish](#) the U.S. Department of Education and has [endorsed tax credits](#) that are a [back door for private and parochial](#)

[school vouchers](#). He is also a proponent of the conservative homeschooling movement, which seeks to reject public schools and raise a generation of Christian Right activists. (His own [five children](#) are homeschooled.) In his 2012 commencement address to the homeschooling movement’s flagship [Patrick Henry College](#), Cuccinelli offered up classic culture-war rhetoric, telling graduates, “The fight is against the tide of political correctness, the intelligentsia and the media.”

Cuccinelli, a Roman Catholic, has [lamented](#) that the Catholic Church’s emphasis on social justice and service to marginalized groups has “helped create a culture of dependency on government, not God” and made Church leadership appear “[soft and weak](#).”

He also [worked with](#) the right-wing Virginia Christian Alliance in 2011 to give advice to pastors on how to get involved in politics without risking their churches’ tax-exempt status and [fondly recalled](#) a time when candidates for public office “couldn’t of run for office in most parts of this country if you weren’t known in your community to be a man of faith.”

“The secular humanist attack is very real, very alive,” he warned the VCA, telling members to “Google up the Humanist Manifesto” of 1933 to “read the game plan for the other side, as if there is a vast left-wing conspiracy, and you will find out there is. They had a plan eighty years

ago and if you read it now it reads like unfolded history, including the attack on God himself.”

Cuccinelli told the group that it “drives me a little bit nutty” that the voter guide of the *Catholic Herald*, the newspaper of the Roman Catholic Diocese of Arlington, Virginia, lacks “discrimination between issues,” meaning that it doesn’t emphasize stances on topics like abortion rights over those like combating poverty and immigration reform.

## HOSTILITY TO SCIENCE

Cuccinelli has created a hostile climate for the scientific community—which he criticized, along with the media, for being “[viciously secularized](#)”—and has used the attorney general’s office to go on a [witch hunt against climate scientists](#).

As attorney general, Cuccinelli attempted to compel the University of Virginia to hand over the emails and research

Cuccinelli said that **his family is considering not registering his son for a Social Security number** “because it is being used to track you.”

documents of environmental sciences professor Michael Mann for review under the [Virginia Fraud Against Taxpayers Act](#).

Both a county court and the state supreme court [blocked](#) Cuccinelli’s request for what the *Washington Post* [described](#) as “five grant applications prepared by former professor Michael Mann and all e-mails between Mann and his research assistants, secretaries and 39 other scientists from across the country.”

Dr. Mann [said](#) in response to the lawsuit that Cuccinelli and other climate change deniers have tried to make “targets out of individual scientists whose work has played a prominent role in the discourse on climate change.” Mann added that Cuccinelli was trying to “intimidate climate scientists” and “chill the scientific discourse surrounding a topic that he obviously feels uncomfortable about, human-caused climate change.”

Cuccinelli also [unsuccessfully sued](#) the Environmental Protection Agency for seeking to regulate greenhouse gases under the Clean Air Act, arguing that the EPA based its decision on the “[unreliable, unverifiable and doctored](#)” findings of the Intergovernmental Panel on Climate Change. He pointed to the so-called “Climategate” scandal to claim that scientists are manipulating data to make the case for climate change. The scientists implicated in the manufactured right-wing scandal have been [exonerated](#).



## CONSPIRACY THEORIES

In a campaign town hall meeting, Cuccinelli [said](#) that his family is considering not registering his son for a Social Security number “because it is being used to track you.”

Shortly after being sworn in as attorney general, Cuccinelli gave credence to birther conspiracy theories when he said that President Obama’s birth certificate “will get tested” once “someone is convicted of violating [a federal law] and one of their defenses will be it is not a law because someone qualified to be president didn’t sign it.” He even said that it was “possible” that the attorney general’s office would look into birther claims, maintaining that it “doesn’t seem beyond the realm of possibility” that Obama was born in Kenya. In a [statement](#) after his comments leaked, Cuccinelli backed down, saying he was merely offering a “hypothetical legal response” to a question and that he doesn’t believe in the birther conspiracy theory himself.

Cuccinelli also backed the claims of two radio talk show hosts who doubted the validity of President Obama’s reelection because Obama lost the four states — Georgia,

## CONCLUSION

Far from an aberration, Cuccinelli’s candidacy shows how far to the right the GOP has moved in recent years. Many predictions about a time of Republican self-reflection and moderation after the party’s 2012 defeats have failed to materialize. Instead, the GOP seems all the more determined to elevate right-wing candidates like Cuccinelli, embracing his attacks on everything from Social Security to the “homosexual agenda,” and confirming that Tea Party extremism is now an entrenched part of the Republican platform.

**“He called officials at George Mason University “idiots” and “crazy” because the school prohibits guns in campus buildings”**

Tennessee, Kansas and Indiana — that have the country’s strictest voter ID laws, [telling them](#): “You’re preaching to the choir. I’m with you, completely with you.”

He even [falsely claimed](#) that the government of Washington, D.C., was working to deliberately displace rats to Virginia.

## GUN ACTIVISM

A [close ally](#) of the National Rifle Association, Cuccinelli has championed the concealed carrying of weapons in [bars](#), [restaurants](#), [public parks](#) and [churches](#). He called officials at George Mason University “idiots” and “crazy” because the school prohibits guns in campus buildings, and he issued a [legal opinion](#) that “people with concealed carry permits are not subject to a University of Virginia policy prohibiting individuals from bringing guns into school facilities without permission.” As a state senator, he [helped defeat](#) a bill that would have closed the gun show loophole on background checks.

If the choice of Cuccinelli to head the party's ticket in Virginia is any clue, the GOP has abandoned any pretense of reflection and soul-searching and decided to go all in on its embrace of the Radical Right's policies and rhetoric.

- ▶ **IMMIGRATION:** In a 2012 radio interview, Cuccinelli compared the deportation of undocumented immigrants to pest control.
- ▶ **CONSPIRACY THEORIES:** Cuccinelli said that his family is considering not registering his son for a Social Security number "because it is being used to track you."
- ▶ **HEALTH CARE:** Cuccinelli bizarrely asserted that the Affordable Care Act could give the government the ability to "order you to buy a Chevy Equinox."
- ▶ **ABORTION RIGHTS:** He is a proponent of radical "personhood" legislation, which would classify zygotes as "persons," thereby criminalizing all abortions, several common forms of contraception, stem-cell research and in-vitro fertilization.
- ▶ **GAY RIGHTS:** Cuccinelli commended a Virginia Religious Right group for distributing a "Real Men Marry Women" bumpersticker.

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