

FROM THE SENATE JUDICIARY COMMITTEE MAJORITY STAFF

## KAGAN CONFIRMATION: SOLICITOR GENERAL KAGAN IS A DISTINGUISHED, QUALIFIED NOMINEE FOR THE SUPREME COURT

*Solicitor General Kagan today demonstrated her commitment to Justice for all Americans, and Judiciary Committee Senators highlighted her lifetime of accomplishments and sterling qualifications for the Supreme Court.*

### Solicitor General Kagan: In Her Own Words

**SOLICITOR GENERAL KAGAN:** “The idea is engraved on the very face of the Supreme Court building: Equal Justice Under Law. It means that everyone who comes before that Court – regardless of wealth or power or station – receives the same process and the same protections. **What this commands of judges is even-handedness and impartiality.** What it promises is nothing less than a fair shake for every American.”

### Senators of both parties noted Solicitor General Kagan’s unassailable qualifications and impressive accomplishments.

**SENATOR LEAHY:** “Elena Kagan *earned* her place at the top of the legal profession. Her legal qualifications are unassailable. . . . She was a law clerk to the great Supreme Court Justice, Thurgood Marshall; worked in private practice and briefly for then-Senator Biden on this Committee; taught law at two of the Nation’s most respected law schools; counseled President Clinton on a wide variety of issues; served as Dean of Harvard Law School; and is now the Solicitor General of the United States. **We are a better country for the fact that the path of excellence Elena Kagan has taken in her career is one now open to both men and women.**”

**SENATOR GRASSLEY:** “You have an accomplished academic and policy background. You’ve excelled at Princeton University, Harvard Law School. You were an Oxford scholar, clerk in the Supreme Court, you were a law professor at University Of Chicago Law School as well as Dean of Harvard Law School. You were a lawyer here on the Judiciary Committee, and then with President Clinton’s administration, you’re now the United States Solicitor General. **Nobody can question such accomplishments.**”

**SENATOR KOHL:** “If confirmed, you will bring to the court an impeccable resume and a formidable track record of accomplishments. And you will bring a new perspective to the bench, as each new Justice does, based on your life and on your career. **You come before us today not from the halls of our judicial monastery, but with the insight of a scholar and a teacher and the political policy and legal acumen of a White House aide, law school dean, and the Solicitor General of the United States.**”

**SENATOR GRAHAM:** “We know you are very smart, of strong academic background. You got bipartisan support. **The letter from Miguel Estrada is a humbling letter** and I’m sure it will be mentioned throughout the hearing, but it says a lot about him. **It says a lot about you that he would write that letter.** Ken Starr and Ted Olson have suggested to the Committee that you are a qualified nominee.”

**SENATOR SCHUMER:** “What General Kagan does bring to the table is unprecedented, practical experience. . . . **General Kagan is simply a terrific antidote to the lack of practical real-world understanding of the court.** She is brilliant. She is thoughtful and I think she is straight out of central casting for this job.”

**SENATOR COBURN:** “The purpose of these hearings for me is not to examine or evaluate your professional qualifications. I think those are obvious.”

**The American Bar Association’s unanimous “well qualified” rating – the ABA’s highest rating – reflects Solicitor General Kagan’s outstanding qualifications.**

**REALITY:** On June 24, the American Bar Association (ABA) announced that it had **unanimously rated Solicitor General Kagan “well qualified” for the Supreme Court** – the ABA’s highest rating. As they do for every such nomination, the ABA conducted hundreds of interviews with lawyers who know and have worked with Solicitor General Kagan, granted anonymity in order to obtain fully candid responses, and asked detailed questions about her integrity, professional competence, and temperament. Republican Senators have touted the ABA rating as a “comprehensive, exhaustive evaluation” that provides “valuable insight” and “ought to [be] trust[ed].” (Senator Hatch [2005]; Senator Sessions [2006]; Senator Coburn [2006].)

**Solicitor General Kagan has overcome barriers and excelled at every point in her career.**

**FACT: She is the first woman to be Solicitor General**, a position commonly referred to as the “tenth justice” because of the special relationship between that office and the Supreme Court of the United States.

- She has argued more cases before the Supreme Court than many distinguished and former Supreme Court justices, including Justice Scalia, Justice Thomas, Justice Kennedy, and Chief Justices William Rehnquist and John Marshall.

**FACT: She is the first woman to hold the position of Dean of Harvard Law School in the school’s storied 193-year history.** There, she was widely praised for unifying a law school known to have deep divisions along ideological lines by reaching out to faculty and students across the political and philosophical spectrum.

- She has been a tenured professor at two of the nation’s most prestigious law schools, and her article, “Presidential Administration,” published in 2001, was honored that same year as the top scholarly article by the American Bar Association’s Section on Administrative Law and Regulatory Practice.

**FACT: If confirmed, Solicitor General Kagan would be only the third justice on the current Court to have worked in all three branches of the federal government.** She will bring diverse and important perspective to the Court as to how the government works and how its actions affect the American people.

**Coming Up Tomorrow...**

**TOMORROW:** Tomorrow, the Committee will convene at 9:00 a.m. to begin the first round of questions. Each Senator will have up to 30 minutes to pose questions during the first round. A lunch break is expected to begin between 12:00 p.m. and 1:00 pm. The Committee is not expected to complete the first round of questions on Tuesday. The proceedings will again be webcast live online.