

KAGAN CONFIRMATION: SOLICITOR GENERAL KAGAN HAS PROVEN THAT SHE IS EXCEPTIONALLY QUALIFIED TO BE THE NEXT SUPREME COURT JUSTICE

Solicitor General Kagan reached to the top of the legal profession by excelling at every position in which she has served—consistently breaking down barriers and impressing conservatives and liberals alike. As the American Bar Association’s unanimous “well qualified” rating—its highest ranking—reflects, Solicitor General Kagan demonstrates exemplary integrity, professional competence, and temperament.

Elena Kagan: In Her Own Words

ON RESPECT FOR PRECEDENT: “I think **precedent is extraordinarily important in our law**. It is important because it leads to predictability and stability in the law, but what is important also is that precedent itself is a kind of measure of humility.” (*Response to Senator Schumer, 6/29/10*)

ON CONSTITUTIONAL INTERPRETATION: “I think **the job of constitutional interpretation that the courts carry on is a highly constrained one**, as constrained by text, by history, by precedent and the principles embedded in that precedent. So the courts are limited to specifically legal sources. It's a highly constrained role, a circumscribed role.” (*Response to Senator Cornyn, 6/29/10*)

ON EQUALITY UNDER THE LAW: “The idea [of equality] is engraved on the very face of the Supreme Court building: Equal Justice Under Law. It means that everyone who comes before the 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.” (*Opening statement, 6/28/10*)

ON THE ROLE OF A JUDGE: “As a judge, you are on nobody's team. As a judge, you are an independent actor, and your job is simply to evaluate the law and evaluate the facts and apply one to the other as best, as prudently and wisely as you can. You know, the greatness of our judicial system lies in its independence, and that means when you are on the bench, **when you put on the robe, your only master is the rule of law.**” (*Response to Senator Kaufman, 6/30/10*)

Solicitor General Kagan Was Thoroughly Responsive to Questions

FACT: Through more than **18 hours of hearings**, Solicitor General Kagan has answered all questions asked of her as thoroughly and substantively as she could within the ethical bounds of the nomination process. Indeed, **she has responded to more than 500 questions from all 19 Senators on the Senate Judiciary Committee.**

FACT: She demonstrated a strong command of the law and has been **more forthcoming about her legal views than any recent Supreme Court nominee**. She has given specific, detailed answers to questions on a wide variety of topics, including the Second Amendment, the right to privacy, campaign finance reform, executive power, transparency in the courtroom, antitrust, the Commerce Clause, and constitutional interpretation.

Solicitor General Kagan Has Broad Bi-Partisan Support

FACT: **Leading conservatives and liberals alike support Solicitor General Kagan’s nomination to the Supreme Court.** The Senate Judiciary Committee received letters of support from many prominent lawyers

including **Miguel Estrada**, former Assistant Solicitor General in the George H.W. Bush Administration and a George W. Bush nominee to the D.C. Circuit; **Michael McConnell**, Stanford Law School professor and former Circuit Court Judge nominated by George W. Bush; **eight former Solicitors General** of both parties, including Ken Starr and Ted Olsen; **fifty-four former Deputy and Assistant Solicitors General** of both parties; **sixty-nine law school deans**, and **more than 850 law school professors** from across the political spectrum; among many others.

Coming Up Tomorrow...

TOMORROW: Tomorrow, the Committee will convene at 4:00 p.m. to hear testimony from outside witnesses. A list of the participants is [available online](#).