

## KAGAN CONFIRMATION: SUPPORT AND PRAISE FOR ELENA KAGAN

*Scholars and advocates, including former Bush administration officials, testified yesterday in support of Elena Kagan's nomination to the Supreme Court. The Senate Judiciary Committee also heard testimony from plaintiffs whose cases were recently decided in 5-4 opinions from the Court – decisions dominated by the conservative bloc of the Court.*

### Elena Kagan: Rated Unanimously “Well Qualified” By The American Bar Association

**“She has earned and enjoys an excellent reputation for integrity and outstanding character...Many described her professional competence as ‘exceptional,’ ‘extraordinary,’ ‘very high,’ and ‘as good as it gets.’”** – *Kim J. Askew, Chair, Standing Committee on the Federal Judiciary, American Bar Association*

### Conservative Support For Elena Kagan

**“[Elena] Kagan possesses an extraordinary knowledge of the legal issues before the Supreme Court. Whatever else may be said about being a law professor, it is a profession that requires one to know legal subjects comprehensively enough to teach them... What I do know is that Kagan will be **open-minded and tough-minded; that she will treat all advocates fairly and will press them all about the weak points in their arguments; that she will be independent and highly analytical; and that she will seek to render decisions that reflect fidelity to the Constitution and the laws.**”** – *Professor Jack Goldsmith, former Assistant Attorney General during the Bush administration*

**“I think the Committee’s decision about Solicitor General Kagan ought to be positive. Yes, it may happen that as a justice she will sometimes fill in the blanks of received constitutional law in a way that some of us, including me, do not like. As history shows, it is hard to predict accurately what the future decisions of a new justice will be. But I think worrying obsessively about the downside possibilities is too miss the forest for the trees. **Elena Kagan is an excellent choice for the Supreme Court and should be confirmed.**”** – *Professor Robert Clark, former Dean of Harvard Law School*

**“I am confident that, if confirmed, General Kagan’s experience as Solicitor General will be a great asset to her. And, like my predecessors as Solicitor General going back to 1985, who have served in different Administrations and hold widely varying views on the important legal issues facing the country, **I am pleased to support General Kagan’s nomination to be Associate Justice of the Supreme Court, and urge the Committee and Senate to do so as well.**”** – *Gregory Garre, former Solicitor General during the Bush administration*

### More Support For Elena Kagan

**“It is thus my honor to have the opportunity to answer the anti-military accusations made against Ms. Elena Kagan, who **did so much to make me and my fellow veterans feel welcome, appreciated, and revered, and whose admiration and support of the military were clearly evident during her time as Dean of the Harvard Law School.**”** – *Captain Kurt White, President, Harvard Law Armed Forces Association*

**“I submit that **any fair read of General Kagan’s character, career, and scholarship inevitably leads to the conclusion that she is intellectually gifted, fair-minded, hard-working, and an independent thinker.** Should this Committee and this Senate consent to her nomination, she will make an outstanding Associate Justice of the Supreme Court of the United States.”** – *Professor Ronald S. Sullivan, Jr., Harvard Law School*

**“With the confirmation of Solicitor General Kagan to the Supreme Court, this country rightfully continues on the road to doing better. Our country’s history is a history of barriers being broken, of remarkable individuals being the first, to be followed by the second and thirds, and finally of reaching a point where the additions are no longer of note. **It is in****

keeping with the proud tradition of this country to have such an accomplished woman as Elena Kagan confirmed to join the two other distinguished women currently on the Supreme Court.” – *Marcia Greenberger, Founder and Co-President, National Women’s Law Center*

“Elena Kagan’s rich and varied legal career – as a private attorney, a White House lawyer, professor, dean and as the government’s attorney in matters before the Supreme Court – will provide her with a unique constellation of experiences that will bring fresh ideas to the court... **A brilliant and highly regarded lawyer and law professor whose communications skills are renowned, her views will be respected and welcomed if not adopted by her colleagues on the Supreme Court.**” – *Justice Fernande R.V. Duffly, on behalf of the National Association of Women Judges*

### The Supreme Court Matters Because It Impacts Hardworking Americans

“We need Justices who understand that law must serve regular people who are just trying to work hard, do right, and make a good life for their families...This isn’t a game. **Real people’s lives are at stake. We need Supreme Court Justices who understand that.**” – *Lilly Ledbetter, Plaintiff, Ledbetter v. Goodyear Tire*

“**In one day, the civil rights advancements Congress achieved over the past four decades were seriously set back** by a 5 to 4 decision on an issue that was not presented to them through the appeals process.” – *Jack Gross, Plaintiff, Gross v. FBL Financial Services Inc.*

“**The precedent-setting decision in [Exxon v. Baker] equated Exxon’s punishment, at the time the most profitable corporation in the world, to the loss of individual people after twenty years of litigation.** In my town, the streets were silent, people were somber, they just did not speak for days.” – *Jennifer Gibbins, Soundkeeper/Executive Director, Prince William Soundkeeper*

### Coming Up In The Committee...

Members of the Committee wishing to do so will submit written questions to Solicitor Elena Kagan. The responses to any questions submitted for the record will be made publicly available upon receipt. The Committee will schedule an executive business meeting to be held after the congressional recess to debate and vote on the nomination.