

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 27, 2005

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On the Nomination of Paul Clement to be
Solicitor General of the United States
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I am pleased to be able to join my colleagues from Wisconsin in welcoming Mr. Clement to the Committee this morning. The position of Solicitor General of the United States, to which he is nominated, is an important and unique one in our system of government. The Solicitor General is not merely another legal advocate whose mission is to advance the narrow interests of a client, or merely another advocate of his President's policies. Rather, the Solicitor General is responsible for the integrity of our laws, and must use his or her judgment and legal skills to that higher purpose. For this reason the Solicitor General has often been called the "10th Justice" of the Supreme Court.

On this Committee, Republicans and Democrats have reviewed nominations to the position of Solicitor General seeking the highest levels of independence and integrity, as well as legal skills. The Solicitor General must argue with intellectual honesty before the Supreme Court and represent the interests of the Government and the American people for the long term, and not just with an eye to short-term political gain. It is our obligation here on this Committee to help the Senate determine whether a nominee understands and will live up to this extraordinary role. From Benjamin Bristow in 1870, to William Howard Taft and Charles Evans Hughes, Jr., from Robert Jackson to Archibald Cox, Thurgood Marshall and Erwin Griswold, we have had some extraordinary people serve this country as our Solicitors General.

Mr. Clement's academic and legal record is impressive. He has attended prestigious universities, worked for well-known judges and law firms, and served in all three branches of the Federal Government, including a stint as a staffer on this Committee. But I must note that the judges for whom he clerked, and the politicians whom he has staffed as well as the Attorney Generals he has served, have been among the most conservative this nation has ever seen, and among the most ideological. He has been an active member of the Federalist Society, working hard for their conservative agenda. He used his considerable legal skills to assist one of the far-right interest groups file an amicus brief in the Supreme Court in the case of *Bush v. Gore*, and he has participated in some of the most controversial legal cases of the last four years.

This does not mean he that cannot aspire to be the kind of Solicitor General that Jackson, Cox, Marshall and Griswold were. We know Mr. Clement from his time here in the Senate, and many of us have had a good and trusting relationship with him. The Solicitor General cannot allow politics to trump the law. I look forward to hearing from the nominee that he will challenge the political forces in this Administration when their interests diverge from his responsibilities to safeguard the integrity of the law as Solicitor General.