

Statement of

# The Honorable Russ Feingold

United States Senator  
Wisconsin  
April 27, 2005

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Introduction of Paul D. Clement  
Nominee for Solicitor General

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Mr. Chairman, it is my pleasure to introduce to the Committee Paul Drew Clement, who the President has nominated to serve as Solicitor General of the United States. As we all know, the position of Solicitor General is an extremely important post in our government. It is the third-ranking position in the Department of Justice, but because the Solicitor General serves as the voice of the United States government at the United States Supreme Court, the position comes with extra stature and responsibility.

Paul Clement, a son of Wisconsin, is well qualified to carry out these singular responsibilities. He is a graduate of Cedarburg High School outside of Milwaukee, a summa cum laude graduate of Georgetown University's School of Foreign Service, and received his J.D., magna cum laude, at Harvard Law School, where he was an editor on the law review. He also received a Masters degree from Cambridge University in England.

After his graduation from law school in 1992, Mr. Clement clerked for Judge Laurence Silberman on the D.C. Circuit and for Supreme Court Justice Antonin Scalia. He has worked in private practice for the firms Kirkland & Ellis and King & Spaulding. In between his stints at those firms, he was then-Senator John Ashcroft's Chief Counsel on this Committee for two years. From the beginning of the Bush Administration in 2001, Mr. Clement has been the Principal Deputy Solicitor General, and has served as the Acting Solicitor General since the recent departure of Ted Olson from that position.

He has argued 26 cases before the Supreme Court over the past four years, including some of the highest profiles cases of the past few terms such as *Tennessee v. Lane*, *United States v. Booker*, and the *Hamdi* and *Padilla* cases. Paul is regarded as a truly outstanding oral advocate, one of the best in the country today.

You can see from this resume that Paul has accomplished quite a lot in his still young career. If confirmed, he will be the youngest Solicitor General in over 50 years, and only three other occupants of the office in its history have been younger than him. One of them was William Howard Taft, who became Solicitor General when he was only 32 years old.

Mr. Chairman, I agreed to introduce Paul Clement to the Committee not because of this impressive resume, and certainly not because he worked as an intern during college for the Wisconsin Senator whom I defeated in the 1992 election. No, I am doing this because of how he carried out his responsibilities in another case that he argued before the Supreme Court, *McConnell v. FEC*, the case testing the constitutionality of the Bipartisan Campaign Reform Act, sometimes referred to as the McCain-Feingold bill.

I'm not sure how many people remember that when McCain-Feingold passed the Senate there was some doubt and concern about how vigorously the Justice Department would defend it in court. I sought and received pledges from both the Attorney General and the Solicitor General in their confirmation hearings that they would defend the law if Congress passed it.

When the time came for oral argument, Ted Olson defended Title I, the soft money ban, and Paul Clement argued in favor of the constitutionality of Title II, the provisions dealing with issue ads. Seth Waxman, Solicitor General in the Clinton Administration, represented the bill's principal sponsors in the argument. That was truly a legal Dream Team. And Paul's performance was superb, every bit as good as his two senior colleagues. He argued for 40 minutes without notes, and with complete command of both the intricacies of the statute and the legal precedents bearing on the case. In the end, as we all know, the Supreme Court upheld all of the major provisions of our bill, including Title II, which most legal observers believed was the most susceptible to constitutional challenge.

So Mr. Chairman, it is based on personal experience that I can say with confidence that Paul Clement will faithfully execute his responsibilities as Solicitor General. I am sure there will be times when I will disagree with the positions he and his office will make. That internship with Sen. Kasten he held long ago is probably a good indicator of that. But I am certain that Paul will perform his duties with professionalism and integrity, and I am honored to appear on his behalf today. Thank you Mr. Chairman.