

Testimony of

The Honorable Jack Reed

February 10, 2009

Senator Jack Reed
Introduction of Solicitor-General Nominee Elena Kagan
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I am honored to appear before the committee this morning to introduce a distinguished scholar, lawyer, and public servant, Dean Elena Kagan.

Dean Kagan and I both attended Harvard Law, although as you can tell, she is a lot younger than I, and a much better lawyer, and our time there did not overlap. However, I have followed her remarkable career with a great deal of pride.

After studying at Princeton University and Oxford, Ms. Kagan graduated magna cum laude from Harvard Law School in 1986 and went on to clerk for Judge Abner Mikva on the U.S. Court of Appeals for the D.C. Circuit and for Justice Thurgood Marshall on the United States Supreme Court.

She went on practice law before joining the faculty at the University of Chicago Law School in 1991.

She then served in the executive branch, as a legal and domestic policy advisor in the Clinton White House before returning to Harvard Law School in 1999.

During her tenure as Dean of Harvard Law, she has drawn acclaim as a pragmatic problem solver who could bridge ideological divides among the faculty. She hired new professors with diverse areas of expertise and views, and ushering in a slew of student-oriented reforms. She has also won praise from current and former students who have served our country in uniform for creating an environment that is highly supportive of students who have served in the Armed Forces.

Dean Kagan is eminently qualified to become the first female Solicitor General of the United States.

It is not just her impressive resume and brilliant legal mind that make her well suited to serve as the nation's advocate before the Supreme Court, but also her wisdom, temperament, maturity, judgment, and above all else, her strong commitment to the Constitution.

In October 2007, Dean Kagan gave a speech at my alma mater, West Point, where she told the cadets that our nation is most extraordinary because we quote: "live in a government of laws, not of men or women."

As a touchstone for this speech, she used a place on campus called Constitution Corner. One of the plaques at this site is etched with the phrase: "Loyalty to the Constitution," which reminds future soldiers and all Americans that the United States broke with the ancient tradition of swearing loyalty to an individual, and instead requires American officers to "swear loyalty to our basic law, the Constitution."

Dean Kagan also spoke to the cadets that day about how fundamental the rule of law is to our society, especially during difficult times and trying circumstances. She used the examples of President Nixon's Attorney General, Archibald Cox, and President Bush's Attorney General, John Ashcroft, as examples of men who sought to uphold the rule of law in very trying circumstances, and put doing the right thing above all else.

If confirmed, I believe General Kagan will be an outstanding Solicitor General. She brings exceptional qualifications to the job and will be a tough, fair, and powerful advocate for the Constitution, and for the people of the United States.

I commend Dean Kagan to the Committee and I thank her for her service to the nation.