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United States Senator · Tennessee

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Alexander Statement Opposing Confirmation of Elena Kagan to the Supreme Court

WASHINGTON – U.S. Senator Lamar Alexander (R-Tenn.) today released the following statement regarding his intention to vote against the nomination of Solicitor General Elena Kagan to serve as an Associate Justice on the Supreme Court of the United States:

“I voted against the president’s nomination of Elena Kagan to be Solicitor General and I will vote against her confirmation to the Supreme Court for the same reason: I remain deeply troubled by her aggressive opposition to allowing military recruiters the same access to Harvard Law School as other prospective employers when she was its dean.

“President Obama won the election, and I am not surprised that he would nominate someone to the Supreme Court whose political and judicial philosophy is different from mine. It is not necessary for a judicial nominee to be ‘on my side’ politically for me to vote to confirm her. One year ago I voted to confirm the president’s nomination of Sonia Sotomayor to the Supreme Court.

“I met with Ms. Kagan. She is intelligent, able and accomplished. Because Ms. Kagan has never been a judge, assessing what kind of Supreme Court Justice she might be requires a close look at her professional conduct – including her six years as the dean of Harvard Law School. In denying military recruiters equal access to Harvard Law students, Ms. Kagan ignored Harvard’s obligations under federal law. Instead, she acted based upon what she thought the law should be. The use of her authority as dean in that way leads me to believe that she would use her authority as a Supreme Court Justice to advance her own policy preferences.”

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