

Lifetime Appointment Requires Rigorous Review

The Senate Judiciary Committee has just concluded the confirmation hearing for Supreme Court Nominee Elena Kagan. If confirmed, Solicitor General Kagan will replace retiring Justice John Paul Stevens, who has served on the court since 1975. This is President Obama's second nomination to the court. His first nominee, Judge Sonja Sotomayor, was confirmed by the Senate on August 6, 2009.

Positions on the Supreme Court of the United States are lifetime appointments. The President of the United States nominates an individual to be a Justice and sends the nomination to the Senate for approval. The constitutional responsibility of advice and consent is one of the Senate's most important duties.

The Senate Judiciary Committee, on which I serve, reviews the qualifications and record of a nominee and holds a confirmation hearing. These hearings should be fair, respectful and thorough. It's our job to ask questions and examine the nominee's record to ensure that she truly understands the proper role of a Justice and the Supreme Court in our system of government. I want to ensure that, if confirmed, the nominee will be true to the Constitution and laws as written.

We need to confirm a nominee who doesn't come with a results-oriented philosophy or an agenda to impose his or her personal politics, feelings or preferences from the bench. It's our duty to confirm a Supreme Court nominee who will faithfully interpret the law and Constitution without personal bias. A judge needs to be an independent arbiter, not an advocate or rubberstamp for a political agenda.

During the hearing, I asked questions about how her experience as a political lawyer might impact her impartiality, her views on property and second amendment rights, and how she'll use international law in the decision making process.

I look forward to reviewing the transcript of the entire hearing to determine whether Solicitor General Kagan has the proper judicial philosophy to sit on the Supreme Court.