

U.s. supreme court

[History](#)



U. S. Supreme Court For this particular essay paper, I have chosen to discuss the successful nomination and confirmation process that Associate Supreme Court Justice Elena Kagan underwent as a nominee of Pres. Barack Obama. Looking into the history of the person and her climb up the justice ladder, one will see that she is truly worthy of the position that she now holds. She overcame adversity and secured her confirmation based upon her work merits rather than her gender. She is in effect, a female success story for a new generation.

Originally serving in the presidents cabinet as his Solicitor General, Ms. Kagan became Pres. Obamas official nominee to replace retiring Associate Justice John Paul Stevens in 2010. It was easy to see why he would nominate her to the position. In his own words, Pres. Obama described her admirable character traits (Scherer, M., 2010) that led to her nomination as :

“ Elena is respected and admired not just for her intellect and record of achievement, but also for her temperament, her openness to a broad array of viewpoints, her habit — to borrow a phrase from Justice [John Paul] Stevens — of understanding before disagreeing, her fair-mindedness and skill as a consensus builder.”

Ms. Kagan was nominated during a time of trial for our nation. America was in the grips of the worst recession to ever hit its people, the economy was in shambles and the previous Bush administration had often circumvented the law in order to fulfill its own political agenda. She was in effect, coming into a wounded supreme court that needed to be rehabilitated for hits own good. With her nomination, the president was merely trying to put the best person he could find in to fill the job. By his standards, she fit the bill to a T. There was no political agenda behind it and no lobby group behind her nomination.

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If there were, she would not have eventually been confirmed.

That is not to say though that her nomination was without controversy. there were accusations coming from the GOP, who were actively campaigning against her nomination, that Kagan often defied the constitution by disallowing the military access to students on the Harvard campus during her tenure as Dean at the prestigious university. Columnist Phyllis Schlafly claimed that Kagan had " defied the Solomon Amendment" -- a statute requiring schools to provide the same access to military recruiters that they provide to other potential employers or lose federal funding". While Foxs Sean Hannity also reported that she had " led an effort to " kick military recruiters off of the college campus." There were also myths being spread such as Kagan favoring foreign law over the constitution, indulging her own views instead of the law, and that she is anti-second amendment to name but a few controversies thrown her way (" Updated: Myths and Falsehoods About Elena Kagans Supreme Court Nomination").

The Republican party put in a good fight in their efforts to foil her nomination but failed in all the avenues that they tried. Her confirmation hearing began on June 28. 2010. She was finally confirmed by a vote of 63 to 37 in her favor. A report by Pilkington (2010) indicates that there were five Republicans who broke rank and supported her while one Democrat opposed her nomination. Her successful nomination marks the third successful nomination of a female as a supreme court justice.

Sources

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