

Statement of  
**The Honorable Benjamin L. Cardin**

United States Senator  
Maryland  
July 20, 2010

Comments of Ben Cardin  
On the Nomination Of Elena Kagan  
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I want to congratulate Chairman Leahy and Senator Sessions for the positive and fair manner in which they conducted these confirmation hearings. I think it served the United States Senate well and served the American people well. I think most of us can agree that Solicitor General Elena Kagan has the experience, the temperament, the intelligence and the integrity that you would want in a Supreme Court Justice. We saw all of this firsthand during the confirmation hearing.

The real test for me is whether Elena Kagan, as an Associate Justice, will follow legal precedent, give due deference to Congress as the legislative body and follow in the best traditions of the Supreme Court in protecting American citizens against the abuses of power. I think that's how most of us would define judicial restraint.

Solicitor General Kagan's confirmation hearing highlighted how we are all impacted by the decisions made by these nine justices. Recently, we've seen a trend in which by the very narrowest of margins, usually by 5-4 decisions, the so-called conservative justices being in the majority have legislated from the bench, ignoring precedent and ruling on the side of powerful corporate interests rather than protecting everyday citizens. Solicitor General Kagan, said in her opening statement that she wants to give a fair shake to the American people and I am convinced that she will protect everyday Americans from corporate special interests. I am proud to cast my vote for Solicitor General Elena Kagan to be the next Associate Justice of the Supreme Court.