

Supreme Court Confirmation Likely for Kagan

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Elena Kagan, President Barack Obama's second U.S. Supreme Court nominee, has been facing difficult questioning from Republican senators during her confirmation hearings this week, but Nancy Maveety predicts that Kagan will be easily confirmed as a justice.



Professor of political science Nancy Maveety, an expert on the topic of the U.S. Supreme Court, is closely following confirmation hearings for justice nominee Elena Kagan. (Photo by Paula Burch-Celentano)

Maveety, professor of [political science](#), says that although the Democrats no longer enjoy a filibuster-proof majority, they do have the votes to confirm Kagan.

“Nothing in Kagan's record suggests that GOP senators on the Judiciary Committee or outside interest groups will be able to derail the confirmation process,” says Maveety.

When Kagan takes her seat on the bench of the highest court in the nation, Maveety says that she will likely join the bloc of left-of-center justices that includes Stephen Breyer, Ruth Bader Ginsburg and Sonia Sotomayor.

“If her mentor truly is Justice Thurgood Marshall [the late U.S. Supreme Court justice known for his staunch support of civil rights], then we should expect her to be a more reliably liberal vote across individual rights questions, social issues and issues of criminal procedure than Sotomayor,” says Maveety. Kagan clerked for Justice Marshall in the late 1980s.

With Kagan joining Ginsburg and Sotomayor, Obama's first Supreme Court appointee, on the court, for the first time there will be three women among the nine justices. “The presence of women (in numbers of more than one) alters the dialogue of this small group,” says Maveety.

A gender-integrated bench brings “viewpoint diversity” to discussions, she says. “This viewpoint diversity might not always translate into outcome differences, but I think it does affect the collegial court process. Women judges bring to the judicial process their experiential perspective, which is different than their male colleagues.”

In the fall, Maveety will be teaching the course “Interest Groups and the Supreme Court,” in which she will feature a unit on the Kagan nomination and confirmation just as she did in 2009 for the Sotomayor appointment.