THEN VS. NOW: MORE KAGAN FILES ARE AVAILABLE – AND FASTER – THAN WERE AVAILABLE FOR THE ROBERTS AND ALITO NOMINATIONS

The National Archives have now produced more than 87,000 pages of documents from the Clinton administration related to Elena Kagan's work both on the Domestic Policy Committee and in the White House Counsel's office. This production of paper files is more thorough than that which was completed for either the Roberts or Alito nominations in 2005. It has also been completed faster than the document production for either of those nominations – more than two weeks before the hearings are set to begin.

An unprecedented volume of Kagan-related documents have been provided to the Committee.

FACT: It has been 32 days since President Obama announced his nomination of Elena Kagan to be an Associate Justice of the U.S. Supreme Court. To date, **the National Archives have produced more than 87,000 pages of documents** related to her work in the Clinton administration.

FACT: As of August 21, 2005, 32 days after President Bush announced his designation of John Roberts, **the Committee had received fewer than 60,000 pages of documents** from the Regan and Bush I administrations.

FACT: **Just four days before the Roberts hearing was set to begin**, the Reagan Library produced over 18,000 pages of documents related to his nomination. In contrast, **the Clinton Library has completed its production of paper files more than two weeks ahead of the hearing for Solicitor General Kagan's nomination.** The Committee will also receive unprecedented access to electronic mail by the end of next week.

The Archives have already produced more documents about Elena Kagan's work in the executive branch than were produced for either the Roberts or Alito nominations.

FACT: Elena **Kagan served for six years** in Senate-confirmed or high level positions the executive branch under the Clinton and Obama administrations. **Both John Roberts and Samuel Alito served for longer** periods of time in Senate-confirmed or high level positions in the Reagan and Bush I administrations.

FACT: Though she served for a shorter period of time, **more executive branch documents have been produced to date relating to Elena Kagan's nomination** than were produced during the pendency of the Roberts and Alito nominations.

FACT: Prior to his confirmation hearing, the Reagan and Bush libraries produced 75,000 pages of documents related to John Roberts nomination. Of those documents, **over 18,000 were produced just four days before the Roberts confirmation hearing was set to begin.** Only 36,000 executive branch documents were produced in connection with Samuel Alito's nomination. By contrast, **the Committee has received all of the paper documents** from the Archives in relation to the Kagan nomination – **well in advance of the hearing.**

For the first time in history, the Archives will produce electronic mail files from a Supreme Court nominee's work in a Presidential administration.

FACT: The Archives have already produced 87,000 pages of executive branch documents related to Elena Kagan's nomination. Next week, the Archives will release an unprecedented number of electronic mail files, as outlined in a May 21 letter from the Archivist of the United States. Such files have never been produced as part of the Supreme Court process.

FACT: Access to these electronic mail files will be unprecedented in connection with a Supreme Court nomination. The production of these files, and the availability of these documents online, will make this the most transparent Supreme Court confirmation process in history.

BOTTOM LINE: **The National Archives and the Clinton Library have produced more information about Elena Kagan's record – and faster – than for any previous Supreme Court nominee. There is more than enough time for this information to be reviewed before her confirmation hearing begins on June 28.**