

CORRECTING THE RECORD: ELENA KAGAN HAS ALWAYS SUPPORTED THE MILITARY

RHETORIC: Critics claim that Elena Kagan's enforcement of Harvard Law School's anti-discrimination policy reflects an anti-military ideology.

Elena Kagan: In Her Own Words

"I respect and indeed I revere the military. My father was a veteran, one of the great privileges of my time at Harvard Law School was dealing with all these wonderful students that we had, who had served in the military and students who wanted to go to the military, and **I always tried to make sure that I conveyed my honor for the military and I always tried to make sure that the military had excellent access to our students.**" (*Response to Senator Leahy, June 29, 2010*)

"I was so honored to be invited to West Point. They have a mandatory part of their curriculum and all students take a law course and they invite a person each year to talk to the students about any legal subject, and it was really the greatest honor I think I've gotten to be asked to be that person." (*Response to Senator Leahy, June 29, 2010*)

Elena Kagan has consistently been outspoken in expressing her admiration of our soldiers.

FACT: In a 2007 email to Harvard Law students, Kagan wrote: The Law School **remains firmly committed to the principle of equal opportunity for all persons, without regard to sexual orientation.** And I look forward to the time when all our students can pursue any career path they desire, including the path—**as deeply honorable as any I can imagine**—of devoting their professional lives to the defense of this country. (*Email from Elena Kagan to Harvard Law School Community, Sept. 27, 2007*)

FACT: In a 2007 speech at West Point, which according to the *Associated Press* "**reads like a valentine to the armed forces,**" Kagan said: "I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans could join this **noblest of all professions** and serve their country in this most important of all ways. But I would **regret very much if anyone thought that the disagreement between American law schools and the U.S. military extended beyond this single issue.** It does not. . . **It must not because of what we, like all Americans, owe to you.**" Reflective of her admiration of the military, Kagan proudly displayed a cadet's dress hat, the gift she received from the West Pointers that day. It was the only memento she displayed in her office.

Elena Kagan's disagreement with Don't Ask, Don't Tell does not make her anti-military.

FACT: Like Elena Kagan, **Admiral Mullen**, Chairman of the Joint Chiefs of Staff, has spoken against the military's Don't Ask, Don't Tell policy. He said, "**I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.**" He also stated, "**allowing gays and lesbians to serve openly would be the right thing to do.**" (*New York Times, Feb. 2, 2010*)

FACT: **Brigadier General Patrick Finnegan**, academic dean at West Point, stated that it was "**ludicrous**" for anyone to **attack Kagan as anti-military.** Senator Scott Brown has equally dismissed calls that Kagan is anti-military, stating that "It was very clear to me after we spoke about it at length that she is very supportive of the men and women who are fighting to protect us and very supportive of the military as a whole." (*Boston Globe, May 12, 2010*)

Elena Kagan supported military veterans attending Harvard Law School.

FACT: First Lieutenant David Tressler sent a letter from his posting in Afghanistan to the Senator Judiciary Committee today after some Senators questioned Elena Kagan's support for the military: "From Afghanistan I have read about the criticism being leveled at Elena Kagan during the confirmation hearings...with regard to military recruiters on campus...**Military recruiters were never barred from campus.** During the brief period when recruiters were not given access to students officially through the law school's Office of Career Services, they still had access to students on campus through other means... Kagan's positions on the issue were not anti-military and did not discriminate against members or potential recruits of the military... She always expressed her support for those who serve in the military and encouraged students to consider military service." (*Letter from First Lt. David M. Tressler, June 30, 2010*)

FACT: In a *Washington Post* op-ed, Harvard Law School veteran Captain Robert Merrill wrote, "She treated the veterans at Harvard like VIPs, and she was a fervent advocate of our veterans association. She was decidedly against "don't ask, don't tell," but that never affected her treatment of those who had served." (*Washington Post, May 21, 2010*)

FACT: In February 2009, a **group of Harvard Law School Iraq War veterans** wrote a letter published in the *Washington Times* stating that Kagan "**has created an environment that is highly supportive of students who have served in the military.**" Every year, for example, Kagan made a point to acknowledge the veterans in the first-year class in her welcome address and began a tradition of hosting Veteran's Day dinners for campus veterans. (*Washington Times, Feb. 5, 2009*)