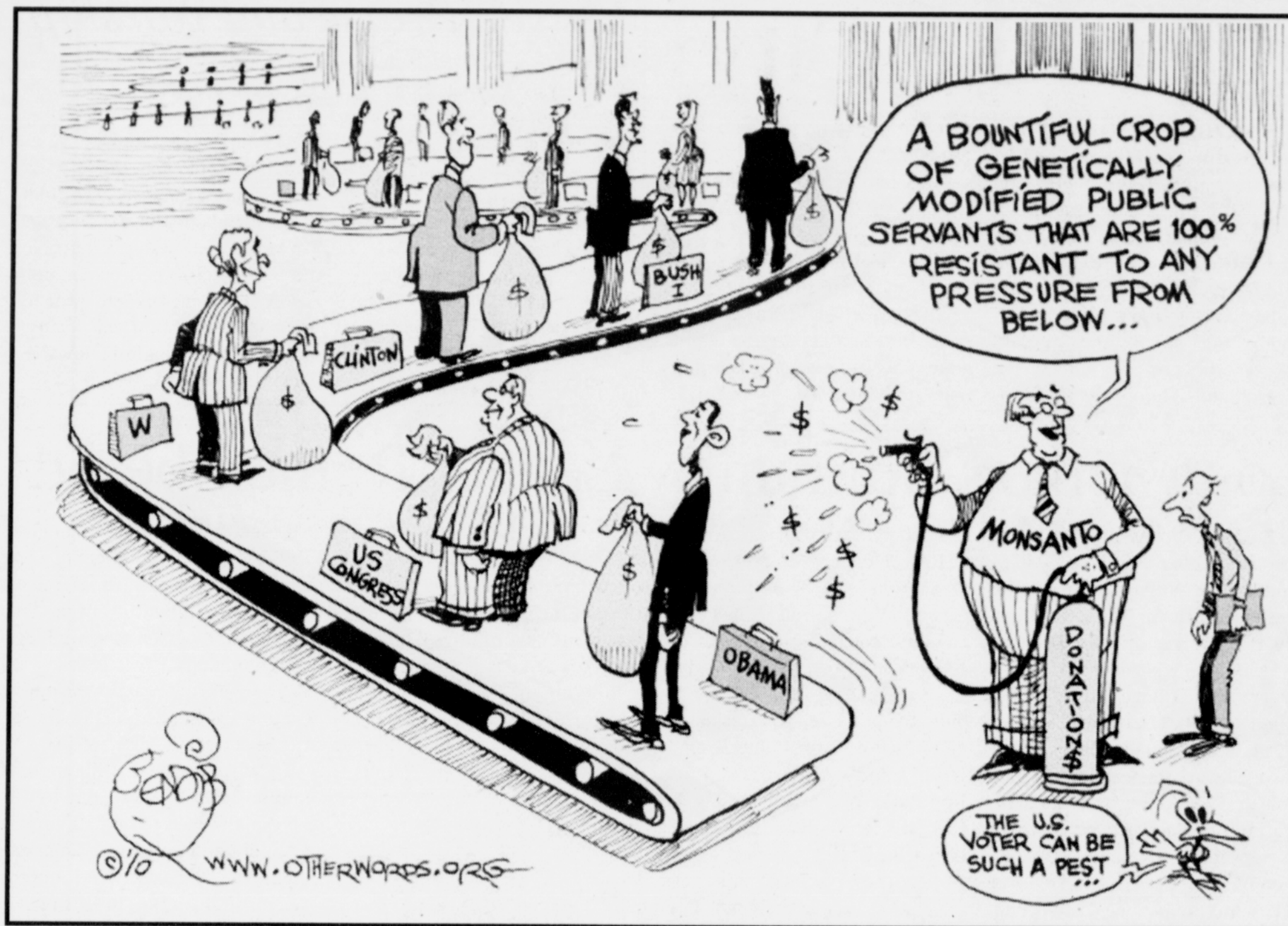


OPINION



A Thurgood Marshall Protégé?

Evaluating a Supreme Court nominee

BY JUDGE GREG MATHIS

Solicitor General of the United States Elena Kagan has been, thanks to her recent nomination to the U.S. Supreme Court, thrust into the spotlight.

The media wants to learn more about her while Congress is unearthing her background to see if she's fit to serve on the nation's highest court. While Kagan waits - and politics - to see if she'll secure the spot, many are left wondering if her time serving as a clerk to former Supreme Court Justice and civil rights icon Thurgood Marshall has in any

way shaped her legal and world views.

To conservatives, any influence Marshall may have had would be a bad thing. Champions of justice, however, hope Kagan has retained some of Marshall's perspectives.

Critics are quick to point out that Kagan, who clerked for the justice in 1988, is no Thurgood Marshall. No one expects her to be.

Marshall, the first African American Supreme Court Justice and former Chief Counsel of the NAACP, won an impressive 29 Supreme Court victories as a litigator, including *Brown vs. Board of Education*, the landmark case that found separate

and unequal schools unconstitutional.

Justice Marshall's political and legal views were far from secret while Kagan's are, admittedly, not so widely known. More than likely, this is intentional.

By all accounts, Kagan had her mind set on the Supreme Court from an early age; making sure her political leanings didn't take center stage - and derail appointments like the one she's facing - may have been part of her strategy.

While we know very little about Kagan beyond her widely reported stance on the military's "don't ask, don't tell" policy - she's against it - we do know that, for a time, she researched and drafted legal briefs for

Marshall, one of the most brilliant and just legal minds in the this nation's history.

Whether or not critics believe it, or Kagan publicly admits it, her role as his clerk provided her with a deep insight into how he interpreted the law and the Constitution.

In no way is Kagan the second coming of Thurgood Marshall. But, if she absorbed and retained any of Marshall's viewpoints, then she learned how to interpret the law in a manner that fair and just. And that is exactly the quality we want in a Supreme Court Justice.

Greg Mathis is a retired Michigan District Court judge and syndicated television judge.

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