

Terry Lenamon on the Death Penalty

Sidebar with a Board Certified Expert Criminal Trial Attorney



Terence M. Lenamon is a Florida Bar certified expert in the area of criminal trial law. With over 17 years experience he has built a reputation as one of Florida's most respected criminal defense lawyers. His defense has been sought by many high-profile clients and has led him through 20 first-degree murder trials and eight death penalty cases. That experience has brought him national recognition as a go-to commentator on death penalty issues. He is the force behind both deathpenaltyblog.com and Florida Capital Resource Center (floridacapitalresourcecenter.org), and can be reached at terry@lenamonlaw.com.

Supreme Court Confirmation Hearings for Kagan Begin - Where Does Elena Kagan Stand on Death Penalty?

Posted on June 29, 2010 by [Terry Lenamon](#)

Yesterday, former Harvard Law School dean Elena Kagan began answering questions from members of the Senate Judiciary Committee as [confirmation hearings](#) started on her nomination to the United States Supreme Court.

Elena Kagan is young at 50 years old and her presence on the High Court could impact the law of the land for several decades. Already, there's rumblings about Kagan never having served as a judge on any court, her scant past experience arguing before an appellate court -- and many are wondering exactly what her stand is on several social issues. Like the death penalty.

Where does Elena Kagan stand on capital punishment?

Supreme Court justices only have a single vote each - but they can be eloquent and powerful even when outnumbered in the voting. Interestingly, Elena Kagan once clerked for Justice Thurgood Marshall.

You'll remember that Justice Marshall, together with fellow Justice William Brennan, concluded in *Furman v. Georgia* that the death penalty was unconstitutional -- and afterwards, the two men teamed to dissent (one joining the other) in [every single death penalty case](#) that came before the U.S. Supreme Court after Furman, *Gregg v. Georgia* notwithstanding (in Gregg, the majority held that capital punishment was constitutional).

Thurgood Marshall Questioning of Kagan Begins on the First Day of Confirmation Hearings

It's no surprise, then, that Elena Kagan is being grilled on her past history with Justice Thurgood Marshall -- nor that she got hit with this questioning right out of the gate. Betcha Kagan wasn't surprised either.

However, what we're all still wondering: what exactly does Elena Kagan think of the death penalty? Will she take up the reins of Marshall and Brennan?

The Texas Moratorium Network has collected statements made by Elena Kagan on the subject of capital punishment. [Read them here.](#)

Meanwhile, questioning of Judge Kagan continues the rest of this week. [You can watch them live, and online, at Rod 2.0.](#)