

Elena Kagan's Oral Arguments Before the Supreme Court

Below is a list of the Supreme Court cases argued by Elena Kagan during her tenure as U.S. Solicitor General, including links to the argument transcripts and the Court's opinions:

- ***Citizens United v. FEC***
Issue: Whether federal campaign finance laws apply to a critical film about Senator Hillary Clinton intended to be shown in theaters and on-demand to cable subscribers. After hearing argument, the Court ordered re-argument, to focus on the constitutionality of limiting corporations' independent spending during campaigns for the Presidency and Congress.
Argued: September 9, 2009 ([Transcript](#), [Audio Recording](#))
Holding: [Reversed](#) in a 5-4 decision with an opinion written by Justice Kennedy
- ***Salazar v. Buono***
Issue: Whether an individual has Article III standing to bring an Establishment Clause challenge to the display of a religious symbol on government land; and whether an Act of Congress directing the land be transferred to a private entity is a permissible accommodation.
Argued: [October 7, 2009](#)
Holding: [Reversed and remanded](#) in a 5-4 decision with an opinion written by Justice Kennedy
- ***Free Enterprise Fund v. PCAOB***
Issue: Whether the Sarbanes-Oxley Act is consistent with separation-of-powers principles – as the Public Company Accounting Oversight Board is overseen by the Securities and Exchange Commission, which is in turn overseen by the President – or contrary to the Appointments Clause of the Constitution, as the PCAOB members are appointed by the SEC.
Argued: [December 7, 2009](#)
- ***United States v. Comstock***
Issue: Whether Congress had the constitutional authority to enact 18 U.S.C. § 4248, which authorizes court-ordered civil commitment by the federal government of (1) “sexually dangerous” persons who are already in the custody of the Bureau of Prisons, but who are coming to the end of their federal prison sentences, and (2) “sexually dangerous” persons who are in the custody of the Attorney General because they have been found mentally incompetent to stand trial.
Argued: [January 12, 2010](#)
Holding: [Reversed and remanded](#) in a 7-2 decision with an opinion written by Justice Breyer
- ***Holder v. Humanitarian Law Project/Humanitarian Law Project v. Holder***
Issue: Whether 18 U.S.C. § 2339B(a)(1), which prohibits the knowing provision of “any . . . service, . . . training, [or] expert advice or assistance,” to a designated foreign terrorist organization, is unconstitutionally vague; Whether the criminal prohibitions in 18 U.S.C. § 2339B(a)(1) on the provision of “expert advice or assistance” “derived from scientific [or]

technical . . . knowledge” and “personnel” are unconstitutional with respect to speech that furthers only lawful, nonviolent activities of proscribed organizations.

Argued: [February 23, 2010](#)

Holding: [Affirmed in part, reversed in part, and remanded](#) in a 6-3 decision with an opinion written by Chief Justice Roberts

- ***Robertson v. United States ex rel. Watson***

Issue: *Limited by the Court to the following question:* Whether an action for criminal contempt in a congressionally created court may constitutionally be brought in the name and pursuant to the power of a private person, rather than in the name and pursuant to the power of the United States.

Argued: [March 31, 2010](#)

Holding: [Dismissed as improvidently granted](#) in a *per curiam* opinion