

Testimony of  
**The Honorable Michael R. Bloomberg**

Mayor  
City of New York  
July 16, 2009

STATEMENT OF MICHAEL BLOOMBERG  
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NEW YORK, NEW YORK

BEFORE

THE SENATE COMMITTEE ON THE JUDICIARY

ON

THE NOMINATION OF JUDGE SONIA SOTOMAYOR  
TO BE ASSOCIATE JUSTICE  
OF THE UNITED STATES SUPREME COURT

JULY 16, 2009

Good afternoon. Chairman Leahy, Ranking Member Sessions, and all the members of the Committee: Thank you for the opportunity to testify before you today. I am Mike Bloomberg, and I am here not only as the Mayor of New York, the City where Judge Sonia Sotomayor has spent her entire career, but also as someone who has appointed or re-appointed more than 140 judges to New York City's Criminal and Family courts. So I appreciate the job before you.

About three months ago, when President Obama invited Governors Schwarzenegger and Rendell and me to the White House to discuss infrastructure policy, I also found an opportunity to tell him what many of the best legal minds I know were telling me: Judge Sonia Sotomayor would be a superb Supreme Court Justice. I strongly believe she should be supported by Republicans, Democrats, and independents - and I should know, because I've been all three.

Judge Sotomayor has all of the key qualities that I look for when I appoint a judge. First, she is someone with a sharp and agile mind, as her distinguished record and her testimony make clear. And as a former prosecutor, commercial litigator, district court judge and appellate judge, she brings a wealth of unique experience.

Second, she is an independent jurist who does not fit squarely into an ideological box. A review of her rulings by New York University's Brennan Center found that judges on the Second Circuit Court who were appointed by Republicans agreed with her more than 90 percent of the time

when overruling a lower court decision and when ruling a governmental action unconstitutional. So this is clearly someone whose decisions have cut across party lines, which is something that the Supreme Court could use more of.

And third, whether you agree or disagree with her on particular cases, she has a record of sound reasoning. In interviewing judicial candidates, I like to ask questions that have no easy answers and then listen to how they develop their responses. I want to know that they are open-minded enough to change their views if they hear compelling evidence, and to see if they can provide a strong rationale for their legal conclusion - even if I disagree with it.

The fact is, you're never going to agree with a judicial candidate on every issue. I've appointed plenty of judges whose answers I don't entirely agree with. And I should point out, Judge Sotomayor has ruled against New York City in a number of cases. So I am not here as someone who agrees with the outcome of her decisions 100 percent of the time, and I don't think that should be the standard.

I am not a lawyer or a constitutional scholar, but I think the standard should be: Does she apply the law based on rational legal reasoning and is she within the bounds of mainstream thinking on issues of basic civil rights? And on both questions, I think the answer is, unequivocally: yes.

It is impossible to know how she will rule on cases in the future, or even what those cases might be. Given that a Supreme Court Justice is likely to serve for decades, focusing on the issues du jour rather than intellectual capacity, analytical ability, and just plain common sense would miss what we as a country clearly need: someone who has the ability to provide us with the legal reasoning and guidance that will be necessary to navigate the uncharted waters of tomorrow's great debates. And I am very confident that Judge Sotomayor has that ability.

Finally, as the Mayor of her hometown, I should make two brief points: First, on the issue of diversity: The Supreme Court currently includes one member who grew up in Brooklyn and one who grew up in Queens. So there's no doubt that adding someone from the Bronx will improve the diversity of the court. (And if you disagree, you haven't been to Brooklyn, Queens, and the Bronx.) But seriously, Sonia Sotomayor is the quintessential New York success story.

She beat all the odds and rose to the very top. If that's not the American dream, I don't know what is. However, I don't believe she should be confirmed on the strength of her biography. But I do think her life story tells you an awful lot about her character and ability.

Second, I just want to add a caution against those who would suggest that Judge Sotomayor's service to the Puerto Rican Legal Defense and Education Fund is somehow a negative. That organization is a well-respected civil rights group in New York City, and although we have not always seen eye-to-eye on every issue, there's no question that it has made countless contributions to our City. Judge Sotomayor should be judged based on her own record, not the record of others in the group.

Thank you again for the opportunity to testify, and I urge you to confirm Sonia Sotomayor as a Justice of the United States Supreme Court.