

Statement of  
**The Honorable Benjamin L. Cardin**

United States Senator  
Maryland  
July 28, 2009

I want to thank Chairman Leahy and Senator Sessions for the positive and fair manner in which they conducted these hearings. I believe each one of us had the opportunity to ask as many questions as we wanted. Democrat or Republican, we had ample time to pursue the information that we thought was relevant in evaluating Judge Sotomayor's qualifications.

I believe Judge Sotomayor's background and her professional accomplishments will add strength, balance and leadership to the Supreme Court. Her personal story of an immigrant family, the value of education, and a driven work ethic, is an inspirational story about one path to success in our nation.

Judge Sotomayor's command of legal precedent and her ability to challenge attorneys in their legal arguments will bode well for reaching the right decisions in the Supreme Court of the United States. Her leadership ability in forging consensus among the judges in the Second Circuit will be a talent that I also think will be very helpful. She is mainstream in her judicial decisions and opinions and she possesses a correct sense of the role of a judge in deciding a case based on sound legal precedent and the facts, giving due deference to Congressional intent.

Judge Sotomayor has a record of understanding the Constitution and the Bill of Rights as timeless documents that are able to protect individual rights against the abuses of power, by applying these protections to contemporary challenges. She follows precedent to advance these individual rights.

I have gained greater confidence that Judge Sotomayor will reach the right decisions for the right reasons based not only on her responses to our questions - and she did answer many, many questions - but also in reviewing her decisions and her opinions. That's where I think we should direct most of our attention. Let me just mention a few that we discussed.

I have confidence that Judge Sotomayor will follow the protections intended by Congress with regards to our environment, based on her decision in the *Riverkeeper, Inc. v. EPA* case.

I have confidence that Judge Sotomayor understands the importance of the freedom of speech, based on the decision that she reached in *Pappas v. Guiliani*. We all agree that the speech there was repugnant, but she showed an understanding of the importance of Constitutional protections.

I have confidence that Judge Sotomayor will protect freedom of religion based on her decision in the *Ford v. McGinnis* case where she protected the rights of a minority whose religious practices aren't as well known by the majority of our population.

Judge Sotomayor has protected the civil rights of Americans, advanced equal opportunity and promoted racial justice. In the *Gant v. Wallingford Board of Education* case, she protected the rights of a young African American student; in the *Boykin v. Keycorp* case, she protected those rights in housing matters, which is critically important during a time when we know we have had predatory practices against minorities in our communities. I have confidence that she understands those concerns.

I was particularly impressed by Judge Sotomayor's commitment on voting rights, in response to my question, acknowledging that this is a 'fundamental right' for all Americans. In the *Hayden v. Pataki* case, she showed deference to following Congress in protecting voting rights.

Judge Sotomayor has shown an understanding of privacy rights. On this issue, we don't have court cases to review, but her responses to our questions and her background give me confidence that she will respect legal precedent and advance privacy in the 21st Century.

This is my first opportunity to participate in the confirmation process for a Supreme Court nominee. But three years ago, I told the people of Maryland how I would judge judicial nominations: by their experience, their temperament and their understanding of the constitution of the United States. For all these reasons, I will vote for the confirmation of Judge Sotomayor to become Justice Sotomayor.

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