

Statement of
The Honorable Al Franken

United States Senator
Minnesota
July 28, 2009

STATEMENT ON THE EXECUTIVE COMMITTEE MEETING FOR THE NOMINATION OF
JUDGE SOTOMAYOR

Senator Al Franken

Thank you, Mr. Chairman.

I'm going to speak more about this on the Senate floor, so I'll be brief.

The nomination of Judge Sotomayor comes at a critical moment for the Supreme Court. The current Supreme Court has consistently struck down and questioned long-standing, critical protections for Americans. I'm talking about individual rights, individual protections, individual liberties.

I think some of my colleagues said this best.

As Senator Feinstein mentioned, this Supreme Court ended a 30-year precedent stating that any measure regulating a woman's right to choose must always protect the health of the woman.

As Senator Cardin and Senator Specter said, this Supreme Court came close to overturning critical portions of the Voting Rights Act. The Court did this despite the powers that Congress was granted under the 15th Amendment to enact this law, and despite the fact that this body has reauthorized these measures four times, most recently just a few years ago by a vote of 98 to 0.

As Senator Kohl and Senator Kaufman mentioned, this Supreme Court reversed a 100-year old ban on price-fixing under the Sherman Act. This shifts the burden to consumers and small businesses to show that price-fixing hurts them. Today, thanks to this ruling, a small business owner can't just show that price-fixing occurred; he or she has to prove through a complex economic analysis that it will hurt competition.

This is the same Supreme Court that said that older workers don't have the same rights in the workplace as minorities or women - that made it harder to sue for age discrimination in the workplace. It is now harder, if not practically impossible, for an older worker to sue an employer who fired him because his pension was about to increase in value.

This is the same Supreme Court that stands poised to overturn another 100-year old principle, in place since the Tillman Act of 1907, that corporations should not be spending money on our election campaigns--not in donations, not in ads, not in anything.

The Court upheld this principle in 2003, when it upheld McCain-Feingold. And yet, the Supreme Court has decided to reconsider the constitutionality of a provision it upheld just six years ago.

This is judicial activism. This is a Court that is willing to reverse itself to limit the rights of individual Americans. This is a Court that is more than willing to overturn Congress to achieve its own agenda of what is right.

And in this context, in these times, a vote for Judge Sotomayor is a vote against judicial activism.

It's true: as a lawyer, Judge Sotomayor was an advocate for the Latino community. She was a dedicated advocate. But as my friend and colleague Senator Graham noted on the floor of the Senate, Judge Sotomayor's record is not that of a judicial activist, or that of an advocate for any individual or interest group.

Over 17 years and in 3,000 cases, Judge Sotomayor has proven herself to be an objective, impartial jurist - a fair judge. In her life, Judge Sotomayor has overcome a lot--more than most people who have accomplished as much as she has. But her record alone is reason enough to vote for her.

I am proud to be her supporter.

Thank you, Mr. Chairman.