

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
July 28, 2009

Statement Of Chairman Patrick Leahy (D-Vt.),

Senate Judiciary Committee,
On The Nomination of Judge Sonia Sotomayor
To Be Associate Justice Of The Supreme Court Of The United States

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I begin by thanking all Members of the Committee for their cooperation two weeks ago during our hearing on the nomination of Judge Sotomayor to the Supreme Court.

Though not perfect, the hearing provided us the chance to ask questions and raise concerns. It gave the nominee an opportunity to respond to relentless critics, after having had to remain silent in the two months prior to the hearing. And it allowed the American people an opportunity to see and hear Judge Sotomayor for themselves.

During those four days, almost 2,000 people attended the hearing in person, and millions more witnessed it, heard it, or read about it, thanks to newspapers, blogs, television, cable, and webcasting.

I believe that President Obama was right when he told the American people last May that Judge Sotomayor will "bring not only the experience acquired over the course of a brilliant legal career, but the wisdom accumulated over the course of an extraordinary journey-- a journey defined by hard work, fierce intelligence and enduring faith that, in America, all things are possible."

We thank Judge Sotomayor and her family for participating in our hearing with such intelligence, grace and patience.

Now comes the moment when this Committee is faced with the choice of whether to recommend this nomination favorably to the Senate. Each of us, as Senators, has the responsibility to vote yes or no. I look forward to this being a bipartisan vote.

Judge Sotomayor is well qualified; one need look no further than her experience, ability, temperament and judgment. The President nominated a person with more Federal judicial experience than any nominee in the last 100 years. He nominated someone with Federal trial judge experience and someone who was a prosecutor.

As her record and her testimony before the Committee reinforced, she is a restrained, fair and impartial judge who applies the law to the facts to decide cases. Ironically, the few decisions for

which she has been criticized are cases in which she did not reach out to change the law or defy judicial precedent - in other words, cases in which she refused to "make law" from the bench.

In her 17 years on the bench there is not one example, let alone a pattern, of her ruling based on bias or prejudice or sympathy. She has been true to her oath and faithfully and impartially performed her duties as set forth by the Constitution. As a prosecutor and as a judge, she has administered justice without favoring one group of persons over any other. She testified directly to this point, saying, "I have now served as an appellate judge for over a decade, deciding a wide range of constitutional, statutory and other legal questions. Throughout my 17 years on the bench, I have witnessed the human consequences of my decisions. Those decisions have not been made to serve the interests of any one litigant, but always to serve the larger interests of impartial justice."

During my time in the Senate, I have often spoken of the standard that I use for judicial nominees. I ask myself whether the nominee would be the kind of independent judge who would be fair and impartial. Whether any American could expect fair consideration, regardless of race, whether rich or poor, whether a person or a corporation, whether defendant or the Government, whether Republican or Democrat or Independent. Having reviewed her record, I know that Judge Sonia Sotomayor has been that kind of judge. I have every confidence that she will be that kind of Justice of the United States Supreme Court.

It is with enthusiasm and hope that I will vote in favor of this historic nomination.

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