

Statement of  
**The Honorable Charles E. Schumer**

United States Senator  
New York  
July 28, 2009

Statement by U.S. Senator Charles E. Schumer  
Hearing on the Nomination of Judge Sonia Sotomayor  
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Mr. Chairman, I am enormously proud to be able to cast my vote today in favor of the confirmation of Judge Sonia Sotomayor. This is an historic day for America.

Americans are familiar with the inspiring story that brought Judge Sotomayor from a Bronx housing project, through a prestigious legal education, and now to a nomination to the highest court in the land. It is a great Americans story. Her story will undoubtedly inspire Americans everywhere to reach further and aim higher - and for that, our country is already better off.

But Judge Sotomayor is a gifted jurist and dedicated public servant, not just an inspiring story. She is a judge with a 17-year record on the bench and more than 380 opinions on the appellate court alone.

And yet, the words that she was asked about most often during the hearings were these three: "wise Latina woman." To take a 17-year judicial career and sum it up in three words is unfair: It's unfair to Judge Sotomayor, it's unfair to the Supreme Court, and it's unfair to the American people.

My colleagues did ask about a handful of cases - the New Haven firefighters' case, the Second Amendment case - but they were unable to prove anything other than what we knew before the hearings: She follows precedent. In her courtroom, rule of law comes first.

Judge Sotomayor's opinions speak much more clearly and loudly than snippets of speeches. Her speeches, as she said, were to inspire and motivate. Her opinions are to instruct and guide - as Chief Justice Marshall said, "to say what the law is."

And when we have so many opinions to review, it is troubling to me that my colleagues seem to be looking for reasons outside of her record to try and posit that she is outside of the mainstream.

Of course, even with such a large trove of opinions to examine, hearings do matter. My colleagues on both sides of the aisle were entitled to ask their questions, and I was pleased to see that even the most difficult questions were asked, and answered, respectfully.

But Judge Sotomayor's answers only emphasized what is abundantly clear from her lengthy record on the bench: she comes to the bench without arrogance and without an agenda.

I have three tests for evaluating judicial nominees: excellence, moderation, and diversity. Judge Sotomayor passes all three with flying colors.

No one can seriously doubt her excellence, and I don't think anyone here does. On moderation, I have a hard time understanding how anyone could conclude that she is anything but moderate. In cases ranging from business to criminal law to immigration, she is squarely within the mainstream. In her 17 years on the bench, she has not produced even a stray comment that could be viewed as outside the mainstream.

Finally, the diversity she will bring to the bench is not just cosmetic. It arises not only from her race and gender, but also from her working-class upbringing and her own unique experiences - just as it did for other Supreme Court nominees, such as Justices Alito and Thomas, who spoke movingly of their own backgrounds.

If my colleagues cannot support a moderate pick like Judge Sotomayor, it simply suggests they will never support anyone nominated by President Obama. She is thoughtful. She is distinguished. She is moderate. Elections do matter. To think that the President would nominate someone who mirrors the beliefs of conservative America, and that is the only person whom my colleagues could vote for, is perplexing.

In short, the message from Judge Sotomayor's record comes through loud and clear, and it's a message of supreme intelligence and moderation. There is no reason to look further than that, and that is why, among other reasons, I am so proud to vote for her today.