

TESTIMONY OF DISTRICT ATTORNEY ROBERT M.  
MORGENTHAU BEFORE THE COMMITTEE ON THE JUDICIARY OF  
THE UNITED STATES SENATE

I am pleased to join those who today endorse the nomination of Judge Sotomayor to the United States Supreme Court.

I first came to know Judge Sotomayor while I was on a recruiting trip to the Yale Law School. At that time Jose Cabranes was Yale's general counsel, and he also taught at the law school. I asked him if he knew anyone special I should speak with, and he said yes. He said that a remarkable student named Sonia Sotomayor was deciding where to work, and that while he did not know whether she had given any thought to being a prosecutor, it would be well worth my while to meet her.

He was decidedly correct. I am happy to be able to say that the Judge joined my office and remained with us for five years. In my conversations with her I learned a bit about the compelling story of her life, with which I know you are by now familiar. In a nutshell, she was raised by her mother in a working class home in the South Bronx, and as a teenager worked the evening shift in a garment factory to help make ends meet. She went on, through hard work and force of will, to overcome her initial difficulties with English composition; to win Princeton University's highest undergraduate

honor, the Pyne Prize; and to graduate with honors from the Yale Law School.

In the District Attorney's Office, the judge was immediately recognized by Trial Division supervisors as someone a step ahead of her colleagues, one of the brightest and most mature, a hard-working stand-out who was marked for rapid advancement. Ultimately she took on every kind of criminal case that comes into an urban courthouse, from turnstile jumping to homicide. One of those cases, the "Tarzan" murder case, involved an addicted burglar named Richard Maddicks who had terrorized a neighborhood during a crime spree that left three dead and involved his swinging into apartment windows from rooftops, shooting anyone in his way. He is now serving a 137 year to life sentence. Another case, prosecuted in 1983 by Assistant DA Sotomayor, involved a Times Square child pornography operation. That case was the first child pornography prosecution in New York after a landmark 1982 Supreme Court decision upholding New York's new child pornography laws. Assistant DA Sotomayor left the jurors in tears over what the defendants had done to child victims. These cases happened to grab the public's attention. But Assistant DA Sotomayor understood that every case is important to the victim, and

appropriately gave undivided attention to the proper disposition of all of them.

Assistant District Attorney Sotomayor soon developed a reputation: unlike many beginning prosecutors, she simply would not be pushed around, by judges or by attorneys. Some judges were eager to dispose of cases cheaply, to clear their calendars. ADA Sotomayor instead fought for the right conclusion to each case.

After leaving my office Judge Sotomayor joined a prominent law firm, and also accepted a part-time appointment as a member of the New York City Campaign Finance Board. There she continued to earn a reputation for being tough, fair, and non-political, in an arena where those characteristics were sorely needed. And she has taken those characteristics with her to the federal bench, where they are equally important.

Judge Sotomayor's career in the law has spanned three decades, and she has worked at almost every level of our judicial system -- as a prosecutor, a private litigator, a trial court judge, and an appellate court judge on what I think is the second most important appellate court in the world. She has been an able champion of the law, and her depth of experience will be invaluable on our highest court. Judge Sotomayor is

highly qualified for any position in which a first-rate intellect, common sense, collegiality, and good character would be assets.

I might add that the judge will be the only member of the Supreme Court with experience trying criminal cases in the state courts. The overwhelming majority of American prosecutions occur in the state courts. Sonia Sotomayor will bring to the Court a full understanding of the problems faced by prosecutors in those courts, as well as a first hand knowledge of the trauma faced by victims and of the legitimate needs of police officials who work in the state law enforcement systems. She will understand the impact of federal judicial decisions on state prosecutions.

In short, this judge is uniquely qualified by intellect, experience and commitment to the rule of law to be an outstanding, I repeat outstanding, member of the Court. President Obama, and for that matter the United States, should be proud to see once more the realization of that central American credo, that in this country a hard-working person with talent can rise from humble beginnings to one of the highest positions in the land.



## ROBERT M. MORGENTHAU -- BIOGRAPHICAL STATEMENT

Robert M. Morgenthau was born in 1919 in New York City. In June 1940, while still an undergraduate at Amherst College, he enlisted in the United States Navy's V-7 program. Upon his graduation in 1941, Mr. Morgenthau joined the Navy and on December 7, 1941, he was an ensign on a destroyer in Boston Harbor. He served throughout World War II aboard destroyers, in the North Atlantic, the South Atlantic, the Mediterranean, and the Pacific Theater, rising to the rank of Lieutenant Commander. Mr. Morgenthau was the Executive Officer and Navigator aboard the USS Lansdale when that ship was torpedoed and sunk by German aircraft while protecting a convoy. He was then the Executive Officer and Navigator on a new destroyer assigned to support the Iwo Jima and Okinawa invasions. That ship, the USS Harry F. Bauer, was torpedoed and was hit by a Kamikaze carrying a 550 pound bomb that failed to explode. The ship's crew received a Presidential Unit Citation for its conduct during the Okinawa campaign.

After the war Mr. Morgenthau attended the Yale Law School. He entered private practice in Manhattan, working for Robert P. Patterson, a former Judge of the Second Circuit Court of Appeals. In 1961 he was appointed by President Kennedy to the position of United States Attorney for the Southern District of New York and continued in that role until 1970. Mr. Morgenthau successfully ran for District Attorney of New York County in November, 1974.

Mr. Morgenthau has been the District Attorney since 1975, and is the longest serving incumbent of that position. In his nine terms in office, his staff has conducted about 3.5 million criminal prosecutions. During that period, homicides in Manhattan have been reduced by over 90%. Mr. Morgenthau has vigorously prosecuted white collar criminals as well, becoming the nation's leading proponent of the enforcement of state law to combat "crime in the suites."

Mr. Morgenthau serves as the Chairman of New York City's Police Athletic League and as Chairman of the Museum of Jewish Heritage -- A Living Memorial to the Holocaust. He lives in Manhattan and on a farm in Dutchess County with two of his seven children and with his wife, the Pulitzer Prize-winning journalist Lucinda Franks.