



Written by [Steven Yates](#) on August 7, 2009

## Sonia Sotomayor Confirmed for Supreme Court

Yesterday the U.S. Senate voted 68 – 31 to confirm Judge Sonia Sotomayor, 55, as the nation’s 111th Supreme Court Justice.

The vote was largely along party lines, with Democrats voting unanimously for her and Republicans opposing, although nine Republicans crossed party lines to support her. Lindsey Graham (R-S.C.) is an example.

Democrats portrayed Sotomayor as fair-minded and mainstream, but Republicans believe that she fails the tests of impartiality and that she will allow her background and liberal agenda to influence her decisions. Republicans focused on her remark that a “wise Latina woman” might reach a better decision than a white male “who hasn’t lived that life.” They criticized President Obama’s call for “empathy” in a justice as bringing personal feelings, whims, and prejudices to the bench.



Jeff Sessions (R-Ala.), the senior Republican on the Senate Judiciary Committee, stated, “She has bluntly advocated a judicial philosophy where judges ground their decisions not in the objective rule of law, but in the subjective realm of personal ‘opinions, sympathies and prejudices.’”

Republicans noted in particular that her decision as a member of the three-judge panel that voted against a group of white male firefighters in the *Ricci v. DiStefano* decision was overturned by the Supreme Court in June. Frank Ricci, the lead plaintiff in that case, testified during the confirmation hearings.

Republicans also expressed discomfort with her stand on the Second Amendment, the right to keep and bear arms, noting that she was part of a federal appeals court panel in New York that ruled earlier this year that the Second Amendment limits only the federal government and not the states. This prompted the National Rifle Association to oppose her confirmation.

Sotomayor denied allegations that she had ever allowed personal feelings or biases to intrude on her decisions as a judge. She has stated that her past rulings, as in the Ricci case, reflect established legal precedent.

Republicans have been warned that they could face a backlash by Hispanics for their opposition. Hispanics are the fastest growing minority group in the United States, now making up 15 percent of the population. They voted for Barack Obama by a margin of 2 – 1 in the 2008 election. Thomas Saenz of the Mexican American Legal Defense and Educational Fund warned, “History — and the fast-growing community of Latino voters — will judge these senators harshly.”

President Barack Obama issued the following statement from the White House: “With this historic vote,



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the Senate has affirmed that Judge Sotomayor has the intellect, the temperament, the history, the integrity and the independence of mind to ably serve on our nation's highest court."

Obama spoke of "equal justice under the law" and added, "These core American ideals — justice, equality, and opportunity — are the very ideals that have made Judge Sotomayor's own uniquely American journey possible. They're ideals she's fought for throughout her career, and the ideals the Senate has upheld today in breaking yet another barrier."

Sotomayor will be the third woman and the first Hispanic to serve on the nation's highest court. Born to Puerto Rican parents in a poor Bronx housing project but under the inspiration of a mother who stressed obtaining an education, she rose to attend Ivy League universities. During her legal career, she worked for city prosecutors before spending 17 years as a federal judge.

Since retiring Justice David Souter generally sided with the liberal wing of the court, it is not considered likely that Sotomayor will change the court's ideological balance.

She is scheduled to be sworn in tomorrow by Chief Justice John Roberts. According to court spokeswoman Kathy Arberg, this will be the first swearing-in ceremony to be open to television cameras in U.S. history. Prior to this public event, Roberts will administer a private oath at the high court, open only to family members as prescribed by the Constitution.

*Photo: AP Images*



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