

Comments Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
On The President's Nomination Of Sonia Sotomayor
To The U.S. Supreme Court
May 26, 2009

While visiting with our troops in Afghanistan today, President Obama called to inform me that he will nominate Judge Sonia Sotomayor to be the next Justice of the U.S. Supreme Court. Judge Sotomayor has a long and distinguished career on the federal bench. She has been nominated by both Democratic and Republican presidents, and she was twice confirmed by the Senate with strong, bipartisan support. Her record is exemplary. Judge Sotomayor's nomination is an historic one, and when confirmed she will become the first Hispanic Justice, and just the third woman to sit on the nation's highest court. Having a Supreme Court that better reflects the diversity of America helps ensure that we keep faith with the words engraved in Vermont marble over the entrance of the Supreme Court: "Equal justice under law."

The Supreme Court is the final arbiter in the federal judiciary, with a fundamental role in our system of government and a fundamental impact on Americans' everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans. I believe that Judge Sotomayor will be in the mold of Justice Souter, who understands the real-world impact of the Court's decisions, rather than the mold of the conservative activists who second-guess Congress, and who through judicial extremism undercut laws meant to protect Americans from discrimination in their jobs, their access to health care and education, and their privacy from an overreaching government. I believe Judge Sotomayor understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

As he promised, President Obama has handled this selection process with the care that the American people expect and deserve. The Senate in good faith should match the President's confidence-building steps in the way we now proceed with this nomination. Some groups in the Republican base have said they are 'spoiling for a fight,' no matter who was nominated. Republican Senators up to now have generally shown more responsibility than that, and the American people will want the Senate to carry out its constitutional duty with conscientiousness and civility.

Among the most serious constitutional duties entrusted to Congress is the confirmation of Supreme Court Justices. President Obama has announced his choice, and the Senate will now prepare for fair and thorough confirmation proceedings. There are more than 300 million Americans; only 100 Senators will vote on this nomination. We have a solemn duty to the Constitution and to the American people. This will not be decided by the interest groups on the left or the right. I trust that no Senator will seek to apply a different standard to this nominee than was applied just four years ago when the Senate considered President Bush's nominations to the Supreme Court.

I will work closely with Senator Sessions as the Judiciary Committee prepares for confirmation hearings. We are committed to ensuring that the next Justice is seated before the Court's term begins in October. I hope all Senators will treat this nominee fairly and will respect the Committee's confirmation process.

Now more than ever, while the country is in the throes of an economic recession, and fighting to strengthen our economic and national security, the American people deserve leadership and civility from those they send to Washington. This is an opportunity for this Senate to further the spirit of bipartisanship that Americans want by guiding the nation in installing impartial, fair-minded Justices to the Supreme Court who will apply our laws and not their ideology. The interests of all Americans are at stake.

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