

SOTOMAYOR IS ANYONE KEEPING SCORE?

16 Questions Americans Must Demand U.S. Senators Ask Judge Sonia Sotomayor Before Approving Her Lifetime Appointment to the Highest Court in the Land

Congress is not to serve as a federal Rubber Stamp for a President's every wish. American citizens have a right to expect their Senators to fulfill their Constitutional duty to give informed advice before giving their official consent to President Obama's appointees. Yet most Senators seem willing participants in the White House order to *rush* a supremely important appointment through without even the appearance of due diligence.

The following questions address just a few of the many disturbing marks on Judge Sotomayor's record of rulings, writings, speeches and special interest affiliations. We encourage every citizen and voter in America to contact their Senators and demand to know if at least these 16 questions were answered by the nominee to their satisfaction.

DID ASK	DIDN'T ASK
<input type="checkbox"/>	<input type="checkbox"/> 1. <u>Read her entire record?</u> Judge Sotomayor's 30-plus year record includes over 3,000 rulings, along with numerous speeches, writings, professional affiliations, and leadership roles in special interest groups. One special interest group on whose board she served for twelve years, the Latino Justice PRLDEF, failed to comply with the Senate's document request until the end of the week before the hearing. During that week alone, over 6,500 pages of relevant documents were received, along with several boxes filled with binders. QUESTION: Can you honestly affirm that you and your staff have thoroughly reviewed Judge Sotomayor's entire record?
<input type="checkbox"/>	<input type="checkbox"/> 2. <u>Violation of judicial ethics?</u> Judge Sotomayor gave a political speech earlier this year praising the election of President Barack Obama. In her speech, she said this: "Our challenge as lawyers and court related professionals and staff, as citizens of the world is to keep the spirit of common joy we shared on November 4 alive in our every day existence." The federal code of conduct for United States judges says they must refrain from political activity. The code prohibits judges from making speeches for a political organization or candidate or publicly endorse or oppose a candidate for public office. She also referred to herself as a "citizen of the world" not an American citizen. QUESTION: How can we expect her to rule impartially on the law and the Constitution when she considers herself a world citizen – and openly supports Obama's

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	<p>political agenda? She has violated the code of conduct for judges and should be disqualified.</p>
<input type="checkbox"/>	<p><input type="checkbox"/> 3. The superior judgment of a “wise Latina?” In a speech in 2001, Sotomayor said she hoped a “wise Latina” often would reach better conclusions than a white male without the same life experience. When this famous Sotomayor quote first surfaced, the White House quickly denied it was intentional. Yet, soon a number of similar statements she made over many years confirmed this troubling view. QUESTION: Does Judge Sotomayor still believe in the superiority of female Hispanic justices over justices of other races and sex?</p>
<input type="checkbox"/>	<p><input type="checkbox"/> 4. “Borking” another Hispanic nominee? The historic leaked 2001 memos from Democrat Senate staffers, directed that Bush judicial nominee, Miguel Estrada, be blocked from becoming a U.S. Court of Appeals judge and most likely the first Hispanic Supreme Court Justice to be nominated. This memo was circulated to Democrat leaders including Senators Kennedy and Durbin QUESTION: Why did race disqualify Miguel Estrada from receiving Senate approval, but not Sonia Sotomayor?</p>
<input type="checkbox"/>	<p><input type="checkbox"/> 5. Radical ties? Judge Sotomayor served for 12 years as a board member and head of the litigation committee for the radical special interest group, Latino Justice PRLDEF. Causes she championed through this group—which has strong ties to ACORN—include opposing the death penalty as racist, promoting bilingual education and “black English,” denouncing New York Mayor Dinkins for calling the Puerto Ricans who shot five members of Congress “assassins,” and demanding unlimited taxpayer-funded abortion as a “fundamental” human right. QUESTION: Does Judge Sotomayor still champion the radical views of Latino Justice PRLDEF? If not, when did she publically repudiate these positions?</p>
<input type="checkbox"/>	<p><input type="checkbox"/> 6. Reverse racism & quotas? In her just-overturned <i>Ricci v. New Haven</i> decision, Judge Sotomayor said that governments may discriminate against white employees, blocking the promotions they earn if not enough minorities are also promoted regardless of their qualifications. QUESTION: Does Judge Sotomayor agree that the Supreme Court was right to overturn her ruling that supported “reverse racism” and racial quotas, or will she continue to use race to decide which side to empathize with in her rulings?</p>
<input type="checkbox"/>	<p><input type="checkbox"/> 7. International law? In a Foreword to the 2007 book, <i>The International Judge</i>, Judge Sotomayor says it is worthwhile to “learn from foreign law and the international community when interpreting our Constitution...” She also says it is important to “learn from international courts and from their male and female judges about the process of judging and the factors outside of the law that influence our decisions.” QUESTION: Does Judge Sotomayor accept our Constitution as the supreme law of the land, or will she continue to consider foreign law and legal rulings in her decisions?</p>

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| <input type="checkbox"/> | <input type="checkbox"/> 8. Empathy for the innocent? A 16 year old boy, Jeffrey Deskovic, was wrongly sentenced for rape and murder. While in prison, his request for a new hearing was turned down by Judge Sotomayor because he missed a filing deadline by several days because a court clerk had given his attorney the wrong date. Sotomayor's refusal kept the innocent man in prison for six more years.
QUESTION: Does Judge Sotomayor still care more about legal technicalities than justice for the innocent? |
| <input type="checkbox"/> | <input type="checkbox"/> 9. Personal, political preferences vs. the law? Judge Sotomayor is a strong <u>advocate for the judicial philosophy known as Legal Realism</u> , the concept that judges should use their personal feelings, political views and experiences in making rulings. The Constitution or the intent of the lawmaker is secondary.
QUESTION: Will Judge Sotomayor repudiate Legal Realism and instead agree to rule based on what the law says, rather than her personal feeling or political preferences? |
| <input type="checkbox"/> | <input type="checkbox"/> 10. Radical change from the courts to the country? Judge Sotomayor has suggested in writing that courts are an instrument to change American society: In <i>The International Judge</i> she wrote that "change—sometimes radical change—can and does occur in a legal system that serves a society whose social policy itself changes." She also stated that the public wrongly expects "the law to be static and predictable," but points out that courts and lawyers are "constantly overhauling the laws and adapting it to the realities of ever-changing social, industrial and political conditions."
QUESTION: Will Judge Sotomayor refrain from abusing her new power on the Supreme Court to bring about radical change in American society? |
| <input type="checkbox"/> | <input type="checkbox"/> 11. "Fundamental right" to taxpayer-paid abortion? During her 12 years as a very active board member of the Latino Justice PRLDEF, and head of the litigation committee, Judge Sotomayor had her group engage in at least six lawsuits that would wipe out all common-sense, Supreme Court-supported abortion regulations, from parental consent and informed consent, to partial birth bans and the pro-life Hyde Amendment. Even Justice Souter, who she will be replacing, does not share these extreme views.
QUESTION: Will Judge Sotomayor modify her views to align with mainstream America, current law and Supreme Court rulings, or will she work to redefine abortion as an unlimited "fundamental right" which all American taxpayers must support? |
| <input type="checkbox"/> | <input type="checkbox"/> 12. Empathy vs. objectivity? Contrary to the judicial oath which all federal judges must swear, President Obama stated one of his few criteria he sought in a judge was "empathy," which is the preferring of one side over the other—the exact opposite of judicial objectivity.
QUESTION: Will Judge Sotomayor obey her oath as an impartial judge, or will she obey Obama's demand for "empathy" for one side in a case over the other? |

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| <input type="checkbox"/> | <input type="checkbox"/> | <p>13. Judge or lawmaker? At a Duke University forum, Judge Sotomayor stated that U.S. appeals courts are where policy is made, directly contradicting our Constitution and our system of checks and balances which gives that power solely to our elected representatives.</p> <p>QUESTION: Will Judge Sotomayor continue to “make policy” from her seat on the Supreme Court, or will she obey the Constitution and leave that role to our elected representatives?</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>14. Taking private property? In <i>Didden v. Village of Port Chester</i>, Judge Sotomayor’s Second Circuit essentially handed over the government power of eminent domain to a private developer, who then used that power to enrich himself. Inexplicably, the opinion issued by Judge Sotomayor’s panel simply concluded in a single sentence that no relief was available for this abuse.</p> <p>QUESTION: Will Judge Sotomayor begin upholding the 5th Amendment right of all Americans to be secure from having their private property taken without fair compensation, and only for necessary government use?</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>15. Ecology over economy? Judge Sotomayor ruled in a 2007 case, <i>Riverkeeper v. EPA</i>, that power companies must protect “fish and other aquatic organisms” from being sucked into cooling vents regardless of the costs, saying the Environmental Protection Agency (EPA) was not allowed to use a cost-benefit analysis in measuring power companies’ compliance with the federal Clean Water Act. In other words, there is no limit to how much power companies must spend, and pass on to consumers, to ensure not one fish is harmed. The Supreme Court disagreed and overturned her decision.</p> <p>QUESTION: Will Judge Sotomayor moderate her views to understand that environmental regulations are not mandates requiring unlimited spending to comply?</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>16. Gunning for guns? Judge Sotomayor’s recent ruling, <i>Maloney v. Cuomo</i>, given <u>after</u> the Supreme Court’s <i>Heller</i> decision implies that all state and city governments in America—with the sole exception of Washington, DC—are free to suspend the 2nd Amendment right to bear arms.</p> <p>QUESTION: Will Judge Sotomayor uphold the 2nd Amendment rights for all Americans, or only for those living in Washington, DC?</p> |