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SPEAKER

June 9, 2009

By fax 202-224-9516

Hon. Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman:

I am the Vice Chair of Puerto Rico's Republican Party as well as the Speaker of the territory's House of Representatives. I am writing to convey the views of many of your fellow citizens -- particularly the four million in Puerto Rico who are not represented in the Senate -- regarding the nomination of Judge Sonia Sotomayor to the Supreme Court of the United States.

Puerto Ricans are naturally delighted that Judge Sotomayor is of Puerto Rican parentage and a woman but we, as well as tens of millions of other citizens of Latino heritage, are more pertinently elated that she is such an outstanding choice, with brilliant academic credentials and more federal judicial experience than any Justice in the past decades.

Some statements that have been made about the nomination are, therefore, troubling. The initial labeling of Judge Sotomayor as a "racist" took out of context an artful sentence in a thoughtful presentation on why there should be greater diversity in a federal judiciary that has had a paucity of minorities -- particularly Latinos -- and women. It ignored the fact that her "hope that a wise Latina woman ... would more often than not reach a better conclusion than a white male" was made in conjunction with a recollection that some of the most respected white male Justices in history had voted to uphold sex and race discrimination but, also, a recognition that white males are capable "of understanding the values and needs of people from a different group" and had struck down discriminatory law.

In making the case for greater diversity on the federal bench, Judge Sotomayor additionally stressed that she strives for the greatest objectivity humanly possible in administering the law. Her record bears that out: as a judge, she has not sided with

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claims of discrimination four-fifths of the time. And in the New Haven firefighters' promotion exams case, she joined the two other appellate judges in upholding the district court's opinion in favor of the city's decision in a difficult dilemma and following precedent of the circuit.

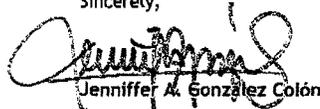
Further, the point of her case for greater diversity within the federal judiciary is one to which Republicans have subscribed in the past. The appointments of Justices Sandra Day O'Connor and Clarence Thomas - among others - recognized that different backgrounds enhance understanding of situations and application of the law. Justice Samuel Alito made a similar point when he was being confirmed.

Senators have an obligation to thoroughly review the nomination that I respect and honor. But I am also concerned that a few statements about the consideration of Judge Sotomayor have given an impression that some want to act in a pointless, dilatory manner as opposed to giving the nomination the detailed but expeditious consideration it deserves.

Even more disconcerting is the proposal to have the confirmation process used to provoke a broader partisan and political debate and promote a judicial philosophy. The process should, of course, be limited to considering the nominee on her merits. All senators should now ensure this. In any case, Judge Sotomayor is by no means a good cause for such a debate. Leading business publications have called her "mainstream". Just Tuesday, her joining a unanimous panel in ruling on a gun law case was mirrored by the opinions of two of the leading conservatives in another circuit.

I would not ask a senator to support the appointment of Judge Sotomayor because she is of Puerto Rico heritage, Hispanic, or woman or to forgo a careful examination of her. I only ask that she be considered promptly and fairly and with a stick focus on her nomination. I trust that when senators have reviewed that individual, her judicial record, and the information, they will reach the conclusion that Judge Sotomayor has extraordinary intelligence and judgment, the appropriate temperament for a Supreme Court Justice, and an absolute dedication to and understanding of the Constitution. She will also bring to the Court the added value of her individuality and experiences as a Hispanic and a woman that we should all celebrate.

Sincerely,



Jennifer A. González Colón

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