

Congressman Serrano, I look forward to your testimony.

**STATEMENT OF HON. JOSÉ E. SERRANO, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Representative SERRANO. Thank you. And before you start the clock running, sorry I am late. I am Chairman of the Financial Services Appropriations Subcommittee. My counterpart is Senator Durbin, and we just passed our bill with 17 amendments, a motion to recommit, and a lot of issues that had nothing to do with my bill being discussed.

Senator KAUFMAN. No one starts a clock on a member of the Appropriations Committee prematurely.

[Laughter.]

Representative SERRANO. You are well taken care of, Senator.

Senator KAUFMAN. Thank you.

Representative SERRANO. Senator Kaufman, thank you, Senator Whitehouse, thank you, Senator Sessions. Thank you so much for the honor you have given me by inviting me to testify on behalf of Judge Sonia Sotomayor.

Today I represent the proudest neighborhood in the Nation—the Bronx, New York. I cannot begin to describe the pride and excitement that my community feels to know that one of our own stands on the verge of a historic confirmation to the Supreme Court. Like you, I am often greeted by constituents on streets, at diners, after church services, where I cut my hair, at the local bodega or my favorite cuchifrito stand. Usually, we talk about a personal or congressional issue or simply a friendly greeting. Now they just talk about Sonia.

They speak about her as if she was a member of their own personal family, about their pride in her accomplishments. They show a profound understanding of just how significant this nomination is and how it proves that in our country everything is possible.

One of the best examples of the significance of this nomination is the number of people who are watching these hearings. In the Bronx, and in many communities around the Nation, folks have come together to share this moment. That is a clear sign of the pride and joy that they feel. Back home, believe me, it is a celebration.

Like the nominee, my family moved from Puerto Rico to New York. Like her, I grew up in a public housing project in the Bronx. Like her family, we also struggled in our new surroundings. It was tough in the Bronx, but we had dignity and our eye on a better future.

One of the proudest moments of my life came when I was first elected to the New York State Assembly with my classmate, Senator Chuck Schumer. As we were being sworn in, a friend said to my father, “Don Pepe, you are a lucky man. You have two children. One son is a school teacher, and the other is an Assemblyman.” My Pop, with that wonderful accented English, looked at him and replied, “I busted my back to get lucky.”

I am sure that Judge Sotomayor and her mother have had many similar moments. We are living our parents’ dreams, enabled by their sacrifices and years of hard work. But our story is not unique to the community we come from. All around our great Nation there

are people working day and night, saving, doing without, all in order that their children could live the life that they want for them.

Sonia represents the best of American culture. She comes directly from the strand of our national character that says, "You can be anything you want." It says, "Through hard work, you can reach the top in this country." She is living proof that our dreams for our children are never impossible.

When you invited me to speak, I wondered if my role here today was to tell you about her legal qualifications. Coming before you are many people who will speak to her work and the legal profession. We know that she is highly regarded and that she has a deep understanding of the law and profound respect for the Constitution. She comes before you with more Federal court experience than any other nominee in the last 100 years. You know, I quickly came to the conclusion that my role is to tell you about where she comes from, how she got to this point, and what this means for our country.

We come from rough neighborhoods. We were surrounded by people making do on little. Sometimes there was desperation and despair. Around us were many distractions that could have taken us down a totally different road, but there was also ambition and people determined to make something of themselves. We came from a place where family comes first, where the core values are hard work and looking out for one another.

As I moved out into the wider world, first through the Army and then in my political career, I learned that these were not liberal or New York or Puerto Rican or Latino values. They are American values.

Bronx neighborhoods may not seem as similar to middle America, but the values that we hold dear—family, freedom, looking out for the neighbors—are the same. Everyone watching this nomination this week should know that based upon her background and ideals, they are in good hands with Judge Sotomayor.

When I walk into the Capitol to work every day, I often stop and think how fortunate I am as a kid from a Bronx project to make it here. It is an incredible story that I have lived, but since she was nominated by President Obama, I have had to remember that my story pales in comparison to hers.

In conclusion, this proud woman from the Bronx is perhaps the best and the brightest we have. She has risen to the top through her incredible intellect and hard, hard work. I know that her values are your values and those of people around this country. Her story is my story. But her story is your story or that of your parents' or your grandparents'. She will be a brilliant member of the Court, and I urge you to vote for her nomination, and I thank you for allowing me to show up late and for giving me this honor, which is one of the greatest I have ever had, to testify on behalf of this great woman.

[The prepared statement of Mr. Serrano appear as a submission for the record.]

Senator KAUFMAN. Thank you, Congressman. It is our honor having you here.

Senator SESSIONS. Congressman, thank you. That was a beautiful statement.

Representative SERRANO. Thank you.

Senator SESSIONS. We appreciate it very much.

Representative SERRANO. And with your permission—I do not know if it is allowed—I have some statements I have made about her in the past in 1998 and 1999 that I would like to submit for the record.

Senator KAUFMAN. Without objection.

Representative SERRANO. Thank you.

[The statements appear as a submission for the record.]

Senator KAUFMAN. Our next witness is Mr. David Rivkin. David Rivkin is a partner in the law firm of Baker Hostetler. Previously, he was Associate Executive Director and Counsel to the President's Council on Competitiveness at the White House. He also worked in both the Department of Justice and the Department of Energy.

Mr. Rivkin, I look forward to your testimony.

STATEMENT OF DAVID RIVKIN, ESQ., PARTNER, BAKER HOSTETLER, LLP, AND CO-CHAIRMAN, CENTER FOR LAW AND COUNTERTERRORISM, FOUNDATION FOR DEFENSE OF DEMOCRACIES

Mr. RIVKIN. Chairman Kaufman, Ranking Member Sessions, I want to thank you for the opportunity to testify here today. Indeed, I am honored to be here. Let me begin, though, by noting briefly that I am appearing here on my own account and do not represent the views of my law firm, its clients, or any other entity or organization with which I am affiliated. I am also not expressing a view as to how you should discharge ultimately your advise-and-consent function.

Without a doubt, Judge Sotomayor is both an accomplished jurist and an experienced lawyer. It is, nevertheless, critical that the Senate weigh her understanding of the judiciary's proper role in our constitutional system before consenting to her appointment.

In my view, it is particularly essential that the Senate probe her views on the proper judicial handling of national security cases. This is the case for two distinct reasons.

First, the United States remains engaged in a protracted global war against al Qaeda and the Taliban. Winning this war is essential to our country, and its conduct has presented novel legal challenges rarely seen in previous conflicts.

Second, despite Judge Sotomayor's long and distinguished service on the Federal bench, she has not had the occasion to consider many cases in the national security area. Therefore, the central topic of the Committee's inquiry should be Judge Sotomayor's understanding of the proper role of Article III courts vis-a-vis the executive and legislative branches in the area of national defense. To the extent that these hearings in your judgment have not produced sufficient information regarding her views in this area, I would urge the Committee to pose written questions to her.

As you know, Congress and the President have traditionally been accorded near plenary authority in the national defense and foreign policy arenas, particularly when the conduct of armed conflict is involved. In recent years, however, the Supreme Court has dramatically expanded its role in these areas. In my view, this has significant implications for our Government's ability to prevent another