

a judge will do in the future—how they behaved, conducted, wrote and decided matters as a judge.

As has been mentioned before, this candidate has an enormous and rich judicial record, 17 years, thousands of opinions, all the things that you want to look for as you make your evaluation.

The process by which Judge Sotomayor comes here before you is quite extensive. You have the President and his reviewers, own investigation, you have the Bar Associations, this committee. You have the FBI that conducted now three background investigations. I was actually Director when the second one was done.

You have any and all information that has come from the public, from the citizens, Americans. You have reputational evidence from other judges, from lawyers who had appeared before her.

My association with her began in 1992. She was a new judge on the Southern District and we had this tradition where the second newest judge would mentor the new judge. Some of us didn't think it was the wisest rule to have, since I had about 9 months on the bench when she was entrusted to my care, so to speak.

I actually sat with her in court and sat with her during trials. I helped review opinions that she asked me to look at. My law clerks were encamped with her law clerks.

What I want to communicate to you in the very short period remaining is Judge Sotomayor's enormous judicial integrity and commitment to finding the facts, to being open minded, to being fair. She struggled and deliberated in making sure she had all the facts, making sure she had the right law, following the law and being the kind of judge that I think we would all be proud of.

Speeches are important and it is great the way you all have considered that so carefully, but when you enter the courtroom and you put the judicial robe on, just as you assume the authority when you take your committee, it is a whole different set of influences and immense power and influence that takes over.

When Judge Sotomayor has been on the bench, what she has written, when she has argued, the way she has conducted herself, I think we can very safely predict this is going to be an outstanding judge with all the qualities that I know that you would want. So I urge you all to support her. Thank you very much.

Senator KLOBUCHAR. Thank you very much. Thank you for your testimony. Next we have Chuck Canterbury. Chuck Canterbury is the National President of the Fraternal Order of Police, one of the nation's largest and most prominent voices for law enforcement officers.

Mr. Canterbury has served in numerous capacities in the organization including national Vice President and national Second Vice President. He has 25 years of experience in law enforcement where he worked as a police officer in Horry County, South Carolina. Maybe you know Lindsey Graham, one of our members here. In only the best ways, I am sure.

We look very much forward to your testimony. Thank you, Mr. Canterbury.

**STATEMENT OF CHUCK CANTERBURY, NATIONAL PRESIDENT,  
FRATERNAL ORDER OF POLICE**

Mr. CANTERBURY. Thank you, Madam Chair, Ranking Member Sessions, Senator Hatch. It is a pleasure to be here today to offer the support of 327,000 rank and file police officers, my members in the Fraternal Order of Police.

It is my pleasure to testify in support of the nomination of Judge Sonia Sotomayor to the Supreme Court. Speaking as a law enforcement officer, I think it says a lot about the character of a young person who graduated from Yale and then accepted her first job as a poorly paid prosecutor in the District of Manhattan. Yet that is exactly what Judge Sotomayor did, as my members do in every city in America.

She spent 5 years with that office, prosecuted many criminal cases, including a triple homicide and she forged an excellent working relationship with the men and women working the beat in Manhattan. She earned their respect and a reputation as being tough, which in my profession is a compliment.

As an appellate judge, she has participated in over 3,000 panel decisions and authored roughly 400 opinions, handling difficult issues of constitutional law, complex procedural matters and lawsuits involving complicated business organizations.

Some of her critics have pounced on a few of those decisions as well as some of the comments made during speaking engagements and have engaged in some pretty wild speculation as to what she would do as a Supreme Court Justice.

As a law enforcement officer, I prefer to rely on evidence and fact and not speculation to reach those conclusions.

One such area of speculation is on her feelings toward our right to bear arms as guaranteed by the Second Amendment. I want no mistake to be made. I take a back seat to no one in my reverence for the Second Amendment. In fact, if I thought that Judge Sotomayor's presence on the court posed a threat to my Second Amendment rights, I would not be supporting her here today.

The facts, as some have already pointed out, reflect a brilliant and thoughtful jurist respectful of the law and committed to its appropriate enforcement.

Over the course of her career, she has analyzed each case on its merits. To me, that's evidence of strong commitment to duty and to the law, two characteristics that we should expect from all of our judges.

I want to cite a few cases which I'm familiar with because they deal with issues that every beat cop in the United States has dealt with. In the *United States v. Fausto*, an offender indicated on 242 counts relating to child pornography sought to have evidence against him thrown out because a search warrant that was sworn out lacked probable cause.

Judge Sotomayor's ruling held that the error was committed by the District Court issuing the warrant, not the officers who executed it. The conviction was upheld.

In the *United States v. Santa*, she ruled that law enforcement officers executing a search of a suspect based on an arrest warrant they believed to be active and valid should not result in the suppression of evidence even if that warrant had expired.

In the *United States v. Howard*, she overturned the District Court's decision to suppress evidence of drug trafficking by finding warrantless automobile searches to be constitutional.

In the *United States v. Clark*, she held that the law enforcement officers did not violate the Fourth Amendment by asking to see the VIN plate under the hood of a vehicle after discovering that the VIN plate on the dashboard was missing.

All of these rulings show that Judge Sotomayor got at least as much of her legal education from her 5 years as a prosecutor as she did at Yale Law School. These 5 years in my view reflect the same kind of commitment to the law that I have seen in the officers that I represent.

She has clearly demonstrated that she understands the fine line that police officers must walk and in her rulings reflect a working knowledge, not a theoretical knowledge, of the everyday realities of law enforcement work.

After reviewing her record, I can say that Judge Sotomayor is a jurist in whom any beat cop could have confidence. It is for that reason that the National Executive Board of the FOP voted unanimously to support her nomination and we urge you to as well. Thank you very much.

Senator KLOBUCHAR. Thank you very much, Mr. Canterbury. Next is David Cone. David Cone is a former major league baseball pitcher who over an 18-year career played for five teams in both the American and National Leagues.

Mr. Cone won the American League Cy Young Award in 1994 and pitched a perfect game in 1999 as a member of the New York Yankees. He was a member of the Major League Baseball Player's Association throughout his major league career and was an officer from 1994 through 2000. Thank you very much for being here, Mr. Cone.

#### **STATEMENT OF DAVID CONE, FORMER MAJOR LEAGUE BASEBALL PLAYER**

Mr. CONE. Thank you, Senator Klobuchar, Senator Sessions, Senator Hatch. Nice to see you again.

On behalf of all major league players both former and current, I greatly appreciate the opportunity to acknowledge the unique role that Judge Sonia Sotomayer played in preserving America's pastime.

As you know, I am not a lawyer, much less a Supreme Court scholar. I was a professional baseball player from the time I was drafted out of high school in 1981 until the time I retired in 2003. I was also a union member and an officer of the Major League Baseball Players' Association.

As is well known, major league baseball has a long history of acrimonious labor relations. It was not until the 1970's that players first gained the rights of free agency and salary arbitration. This meant that for the first time ever, players were able to earn what they were worth and have some choice about where they played.

The next 20 years were quite difficult. There was a lockout or strike at the end of every contract. To the players, every dispute seemed to center on the owners' desire to roll back free agency rights the players had won. But 1994 was the worst.