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July 16, 2009

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

The Honorable Jeff Sessions, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Sessions:

On behalf of the Mexican American Legal Defense and Educational Fund, (MALDEF) I would like to submit for the Committee's consideration and for the record the attached written testimony in support of the appointment of Judge Sonia Sotomayor to the United States Supreme Court.

Please feel free to contact me should you have any questions or concerns. In the meantime, please accept my gratitude for including MALDEF's statement in this historic record.

Very Truly Yours,

Henry L. Solano
Interim President & General Counsel

Advancing Latino Civil Rights for 40 Years
www.maldef.org

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**TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**FOR THE HEARING ON
THE NOMINATION OF SONIA SOTOMAYOR TO BE AN ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES**

JULY 15, 2009

**BY
THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND**

The Mexican American Legal Defense and Educational Fund (MALDEF) wishes to express for the record its unequivocal support for President Barack Obama's nominee, Judge Sonia Sotomayor, to the United States Supreme Court.

Throughout her career, Judge Sotomayor has proven herself to be a dedicated public servant, a seasoned litigator and a superior legal mind. She will undoubtedly bring a diversity of experience and intellectual perspective to the Court as well as a strict adherence to and respect for legal precedent, as her 17-year jurisprudential record clearly demonstrates.

Judge Sotomayor has garnered unyielding support from law enforcement groups, lawyers, jurists, and academia. The American Bar Association has given Judge Sotomayor its highest rating of "well-qualified." Non-partisan entities such as the Brennan Center for Justice at the New York University School of Law and the Congressional Research Service have studied and scrutinized her lengthy record, determining that she consistently applies the law to the facts of each case and that she is a jurist whose rulings are in the mainstream of the U.S. Court of Appeals for the Second Circuit. This record speaks to the fact that she is anything but an activist judge, as some of her detractors allege, that she does not pre-judge cases, and that she is faithful to the doctrine of stare decisis.

The fact that she has broad and bipartisan support from such key figures as former President George Herbert Walker Bush and former Supreme Court Justice Sandra Day O'Connor speak to a record that is one of a moderate judge. One need only look to a record in which Judge Sotomayor agreed with her Republican-appointed colleagues 97% of the time in criminal appeals and sided with the majority in constitutional cases 98.2% of the time for such examples. She is a jurist who simply cannot be categorized precisely because she has decided cases time and again through considered legal analysis and not based on a personal or political agenda.

Judge Sotomayor will bring a wealth of experience to the Court. As a criminal prosecutor in one of the most populous cities in our nation, she tried dozens of cases against defendants accused of serious felonies, including murder, robbery, police misconduct and fraud. As a corporate litigator and partner at the law firm of Pavia & Harcourt, she handled cases in the areas of real estate, employment, banking, contracts and intellectual property law.

Former President George Herbert Walker Bush appointed Sonia Sotomayor to the federal district court bench at the age of 38 and she was later appointed by President Clinton to the U.S. Court of Appeals for the Second Circuit where she has served for the past 11 years. The Supreme Court has not had the benefit of an appointee who possesses such a breadth of relevant legal experience in over 70 years and it is this experience that will inform her critical thinking, her ability to grapple with complex legal issues, and her capacity to appreciate that each case consists of a unique set of facts to which the law must be neutrally applied.

As a woman of Puerto Rican descent, Judge Sotomayor has transcended socio-economic barriers, accomplished academic excellence, and attained an enviable set of professional accomplishments. Starting at a young age, she exhibited a drive to succeed in the face of adversity and clarity of focus on her future goals. These qualities landed her at Princeton University, where she graduated summa cum laude, and Yale Law School, where she served as an editor on the Yale Law Review, a distinction reserved for only the top law students.

Judge Sotomayor has also proved to be deeply committed to the community. She has been a lecturer at Columbia Law School and an adjunct professor at the New York University Law School. She has served on the board of the Development School for Youth whose mission is to develop employment skills for inner city youth. She has also served on the Boards of Directors of the New York Mortgage Agency, the New York City Campaign Finance Board and the Puerto Rican Legal Defense and Education Fund.

Judge Sotomayor enjoys an impeccable reputation in the legal community and has exhibited an exemplary judicial temperament during her tenure on the federal bench. She is known to closely study the facts of a case, apply legal theories through careful and considered deliberation and issue even-handed rulings.

Throughout her career, she has remained a dedicated mentor to students and new lawyers of all backgrounds and a champion of the ideals to which we all can aspire, namely a strong work ethic and a commitment to public service. She is a jurist who has tempered her role with the ability and desire to always keep her personal viewpoints and opinions in check, a judge who has the courage to think about and question her own perspectives to ensure that she objectively applies the law to the facts in any given case.

It is with great pride and admiration that MALDEF and the Latino community urges the confirmation of such an exceptional jurist.