

**DAILY NEWS | Opinion****Those labeling Sonia Sotomayor a radical don't know her at all**By Robert Morgenthau

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No sooner had President Obama announced his nomination of Court of Appeals Judge Sonia Sotomayor than conservative partisans began calling for her defeat. These so-called pundits have pronounced her a "radical," an "activist," part of the "far left," an "affirmative action case" and, most astoundingly, a "racist." We were not long left in suspense as to whether this administration's judicial nominees can expect to be vetted with objectivity and due civility.

I have known Judge Sotomayor for decades, and I know how absurd these charges are. I doubt that anyone will be fooled by them, but let me state for the record my views on her nomination.

I first heard the judge's name while on a recruiting trip to Yale Law School in 1979. I asked the general counsel of the university, who also taught at the law school, if there were any talented students I should see. He singled out Sotomayor, who was about to graduate, who had impressed her professors, and who had while in college won the extremely prestigious Pyne Prize, the highest undergraduate honor for students at Princeton. She and I talked, and I learned that she had been raised from an early age only by her mother, in a working class home in the South Bronx. I recognized that she was not only extremely bright, but had both feet planted firmly on the ground. I made her an offer, and I am pleased to say that she joined the district attorney's office for five years.

Assistant District Attorney Sotomayor was no "liberal." Rather, she was a tough and effective prosecutor. Young prosecutors are sometimes picked on by judges and defense attorneys, but no one successfully pushed this ADA around. Within a short time she had come to the attention of trial division executives as someone who was a step ahead of her colleagues, one of the brightest, an immediate standout who was marked for rapid advancement.

While in the district attorney's office she co-tried the notorious Tarzan burglar, Richard Maddicks, whose crime spree had left three dead and others injured; Maddicks is serving a sentence of 75 years to life. She led an investigation in the first child pornography case brought under a new New York statute, later the occasion for a landmark ruling in the U.S. Supreme Court, and she convicted the Times Square pornographers who were helping exploit children. The defendants in Judge Sotomayor's cases would find as amusing as I do the charge that Justice Sotomayor would be "soft on crime."

The judge's work since she left this office confirms that she is a strong champion of the law. In particular, she has served with distinction on what I consider to be the second most important appellate court in the world, the U.S. Court of Appeals for the Second Circuit. To be sure, she is in favor of civil rights, in the sense that she believes there should be fair treatment for all. But that is, of course, the law. And she understands poverty, and does seem willing to accept government action that provides a safety net to the poor. But that is not exactly "radical."

Most importantly, I am astonished that she has been disparaged as an "affirmative action" beneficiary. Whatever position one takes on affirmative action, it is simply unreasonable, if not racist, so to impugn this individual. She may be a woman, and she may be a Latina. But Sonia Sotomayor possesses an abundance of wisdom, intelligence, collegiality and good character. Sotomayor is where she is today because of her talent. Those who insinuate otherwise don't know her, or simply paint her as they do for political reasons having nothing to do with the truth.

President Obama, and for that matter the United States, should be proud to see once more the realization of that central American credo, that in this country a hardworking person with talent can rise from humble beginnings to one of the highest positions in the land.

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