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### Obama Hails Judge as 'Inspiring'

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President Obama with Judge Sonia Sotomayor and Vice President Joseph R. Biden Jr. at the White House on Tuesday.

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By [PETER BAKER](#) and [JEFF ZELENY](#)

Published: May 26, 2009

WASHINGTON — [President Obama](#) announced Tuesday that he would nominate [Sonia Sotomayor](#), a federal appeals judge in New York, to the [Supreme Court](#), choosing a daughter of Puerto Rican parents who was raised in a Bronx public housing project to become the nation's first Hispanic justice.

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In making his first pick for the court, Mr. Obama emphasized Judge Sotomayor’s “extraordinary journey” from modest beginnings to the [Ivy League](#) and now the pinnacle of the judicial system. Casting her as the embodiment of the American dream, he touched off a confirmation battle that he hopes to wage over biography more than ideology.

Judge Sotomayor’s past comments about how her sex and ethnicity shaped her decisions, and the role of appeals courts in making policy, generated instant conservative complaints that she is a judicial activist. Senate Republicans vowed to scrutinize her record. But with Democrats in reach of the 60 votes needed to break a [filibuster](#), the White House appeared eager to dare Republicans to stand against a history-making nomination at a time when both parties are courting the growing Hispanic vote.

“When Sonia Sotomayor ascends those marble steps to assume her seat on the highest court of the land,” Mr. Obama said as he introduced her in the East Room of the White House, “America will have taken another important step towards realizing the ideal that is etched above its entrance: Equal justice under the law.”

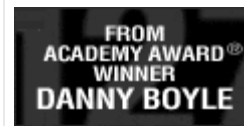
Ms. Sotomayor, 54, a graduate of Princeton and Yale who served as a prosecutor, corporate litigator and federal district judge before joining the United States Court of Appeals for the Second Circuit, in New York, a decade ago, would become the nation’s 111th justice.

She would be the third woman to hold a seat on the court and the sixth person on the current nine-member panel with a Roman Catholic background.

If confirmed to succeed Justice [David H. Souter](#), a mainstay of the liberal wing who is retiring, Judge Sotomayor would probably not change the court’s broad

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philosophical balance. But her views on [same-sex marriage](#), gun rights, financial and environmental regulation, executive power and other polarizing issues could help shape judicial rulings for years, if not decades, to come.

At the heart of the fight over her nomination will be a debate over the role that a judge's experience should play in rendering decisions. Although Mr. Obama said on Tuesday that "a judge's job is to interpret, not make law," his emphasis on a nominee with "empathy" has generated criticism from Republicans, who saw that as code for legislating personal views from the bench.

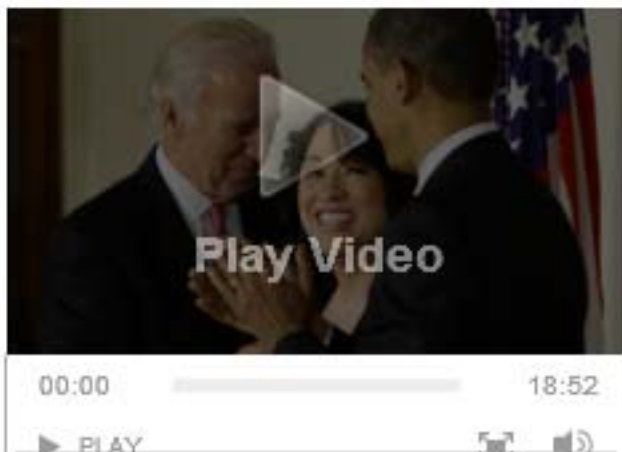
Judge Sotomayor has said that "our experiences as women and people of color affect our decisions." In a lecture in 2001 on the role her background played in her jurisprudence, she said, "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life."

She also [said at a conference in 2005](#) that a "court of appeals is where policy is made," a statement she seemed to understand at the time would be controversial, because she added, "I know this is on tape and I should never say that, because we don't make law." The White House said she meant that appeals courts play a greater role in interpreting laws than district courts, but Republicans pointed to the comment as another sign that she would try to impose her values in rendering decisions.

"Judge Sotomayor is a liberal activist of the first order who thinks her own personal political agenda is more important than the law as written," said Wendy E. Long, counsel to the Judicial Confirmation Network, a conservative group. "She thinks that judges should dictate policy and that one's sex, race and ethnicity ought to affect the decisions one renders from the bench."



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## Obama's Supreme Court Nominee

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Republicans voted against her confirmation to the appellate bench in 1998, including [Mitch McConnell](#) of Kentucky, now the party's Senate leader, while 25 voted for her. Of those still in the Senate, 11 voted against her and 9 for her.

Mr. McConnell said on Tuesday that the Senate would not be a "rubber stamp" and promised that Republicans would "examine her record to ensure she understands that the role of a jurist in our democracy is to apply the law even-handedly, despite their own feelings or personal or political preferences."

and government," she said.

While conservative groups took aim, Republican senators responded more cautiously, weighing how aggressively they want to fight her confirmation. Twenty-nine Senate

Other conservatives said they would focus on her ruling in a New Haven affirmative action case or on how she might rule on same-sex marriage. "Abortion is in some sense a stale issue that has been fought over many times, but gay marriage is very much up for grabs," said Curt Levey, executive director of the Committee for Justice, a legal group. "Gay marriage will be bigger than abortion."

As she was nominated on Tuesday, Judge Sotomayor did not retreat from her view that judges ought to look at the impact of their rulings. "I strive never to forget the real-world consequences of my decisions on individuals, businesses

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**RICHARD STRAUSS INTERMEZZO**

# Obama Hails Judge as 'Inspiring'

Published: May 26, 2009

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Senator [Jeff Sessions](#) of Alabama, the ranking Republican on the Judiciary Committee, told Fox News that he was "uneasy with" Judge Sotomayor's approach and expressed concern that if Mr. Obama appointed two or three more justices like her it would shape the court "in a way that would be different from our heritage so far."

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**Rather than recruiting an elder statesman to lead the confirmation effort, as past presidents have, Mr. Obama has decided to enlist Senator Charles E. Schumer, Democrat of New**

**York.** The White House worked quickly to build support by organizing conference calls and sending tailored information to potential allies.

The Rev. Samuel Rodriguez, president of the National Hispanic Christian Leadership Conference, an evangelical group courted by Democrats and Republicans, said the administration sent him information emphasizing evidence of moderation in Judge Sotomayor's record, including a ruling against an abortion-rights group.

In that 2002 case, Judge Sotomayor ruled that the group did not have grounds to try to overturn the Bush administration's ban on aid to overseas family planning organizations that performed or promoted abortions.

"She went against the abortion lobby," Mr. Rodriguez said. "The spin was that Obama did not reach into the far left, and that is great for me and it is great for my constituents."

Mr. Obama selected Judge Sotomayor from a field dominated by women as he sought to add a second female justice to the court. Advisers culled through writings of 40 candidates before narrowing the list to nine who were actually contacted, officials said. From there, Mr. Obama chose four finalists, who were spirited into the White House to meet with him secretly last week.

The president conducted one-on-one interviews with [Diane P. Wood](#), a federal appeals judge, and [Elena Kagan](#),

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his solicitor general, last Tuesday, and then Judge Sotomayor and [Janet Napolitano](#), the homeland security secretary, two days later. Each session in the Oval Office lasted an hour, officials said. Vice President [Joseph R. Biden Jr.](#) also interviewed the four, and his chief of staff, [Ronald A. Klain](#), and counsel, Cynthia Hogan, ran the selection process.

To dispense with any health concerns about Judge Sotomayor, officials said the White House contacted her doctor and independent experts to determine whether diabetes, which she learned she had at 8 years old, might be problematic and concluded it would not. The Obama team also interviewed colleagues on the Second Circuit to check out reports that she was difficult to get along with, and was reassured it was not true.

Judge Sotomayor was the only finalist Mr. Obama had never met before last week. She spent seven hours in the White House last Thursday, and by Friday the president told advisers he was leaning toward her but wanted to think about it over the weekend, officials said.

At 8 p.m. Monday, he told aides he had made his decision, and at 9 p.m. he called Judge Sotomayor from the White House residence. He then called the runners-up. Judge Sotomayor was rushed to Washington that night, driven by a friend in time to attend Tuesday's announcement.

Her mother, Celina Sotomayor, who moved to New York from Puerto Rico during World War II, wiped away tears as the president announced the nomination.

Judge Sotomayor recalled visiting the White House when President [Bill Clinton](#) nominated her for the appeals court. "It was an overwhelming experience for a kid from the South Bronx," she said. "Never in my wildest childhood imaginings did I ever envision that moment, let alone did I ever dream that I would live this moment."

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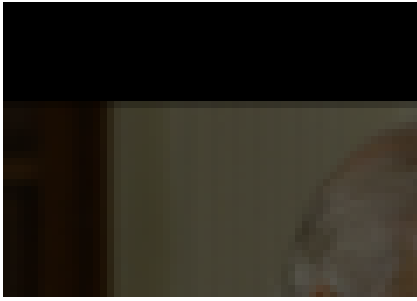


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