



July 09, 2009

Dear Senator,

Concerned Women for America Legislative Action Committee (CWALAC) and its more than half a million members around the country are writing to respectfully ask that you oppose the nomination of Judge Sonia Sotomayor to the United States Supreme Court.

Sonia Sotomayor has lived the American dream. Rising from a poor childhood to being nominated to the U.S. Supreme Court, Judge Sotomayor is a testimony to the opportunities and blessings of America. But as we investigate her record, we are struck by her unwillingness to allow others to have the same opportunities that she has had.

Her record reveals she lacks the primary characteristic required of a judge: impartiality. She has used her position as a judge to deny equal opportunity to people based on their ethnicity. She worked with organizations that aggressively fought against basic human rights for preborn children and ethical rights to ensure women and girls are not coerced into abortion. She has shown disdain for property rights and elevated foreign law as a source of authority.

The U.S. Supreme Court rightfully overturned her audacious ruling that denied qualified firefighters their earned promotions. She did not even provide a legal basis for her decision, instead opting to deny the firefighters' basic rights in a single paragraph. Judge Sotomayor's judicial philosophy reflects her personal bias, as expressed in speeches and the controversial groups to which she has belonged, to discriminate against people based on their ethnicity or sex.

Judge Sotomayor's decisions, writings, and remarks call into question her impartiality, her judicial temperament, and her understanding and commitment to the Constitution. Here are a few examples:

- In a 2005 speech at Duke University Law School, Judge Sotomayor said, "The court of appeals is where policy is made."
- In a 2003 speech at Seton Hall School of Law, Judge Sotomayor said race and gender also influence the facts she *chooses* to see: "I accept the proposition that a difference will be made by the presence of women and people of color on the bench and that my experiences will affect the facts I choose to see as a judge."

- In a 2001 symposium at UC Berkeley School of Law, Sotomayor said, “our gender and national origins may and will make a difference in our judging,” while criticizing former Justice Sandra Day O’Connor for saying that “a wise old man and wise old woman will reach the same conclusion in deciding cases.” Sotomayor went on to say, “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.”
- Judge Sotomayor’s handling of the *Ricci v. Destefano* case causes great concern. Not only did Sotomayor decide that it was appropriate for the city of New Haven to deny promotions based on race, but she dismissed in one paragraph several complex issues that took the U.S. Supreme Court 93 pages to deal with. The Court reversed Sotomayor in a 5-4 decision, with all justices agreeing that Sotomayor did not act correctly in granting summary judgment for the city.
- Sonia Sotomayor aligned herself with the most extreme abortion positions taken in America. For twelve years (1980-1992), Judge Sotomayor was an influential member of the board of the Puerto Rican Legal Defense and Education Fund who aggressively fought against basic human rights for preborn children and ethical rights to ensure women and girls are not coerced into abortion. They opposed common-sense regulations that protect patients, such as parental notification before a minor undergoes an abortion and ensuring women receive full information about abortion before undergoing the harmful procedure. They also opposed limiting taxpayer funding of groups that commit abortion. Their position is abortion-on-demand, unregulated and taxpayer funded.
- In *Didden v. Village of Port Chester* (2006) Judge Sotomayor’s decision dramatically expanded the government’s authority to seize land in what’s been called an extortion scheme using eminent domain. The Village’s chosen land developer demanded \$800,000 from a property owner to “go away” or give the developer 50 percent stake in the property. If the owner refused, the developer would have the Village condemn the property. He rejected the demand. The next day the Village condemned the property and handed it to the developer. Judge Sotomayor disposed of the complex constitutional property right issues in a single paragraph in an unsigned, unpublished, summary order.
- Judge Sotomayor has advocated for courts to consider or rely on foreign law, even to interpret our Constitution. The United States of America is a representative form of government, accountable to the citizens of America. Foreign law and opinions do not represent, nor are accountable to, Americans or our Constitution. The vast legal opinions throughout the world run the gamut of ideologies and political systems, including totalitarian, Sharia, monarchies, and countless others. Judge Sotomayor would undoubtedly be drawn to ones that support her own opinions. Yet the responsibility of a judge is to surrender her opinion to the ingenious doctrines of the Constitution. Considering foreign law is a back-door way of justifying one’s opinion by seeking non-American sources.

Sonia Sotomayor has disqualified herself from the U.S. Supreme Court. Her proud insistence on denying equal justice to all is antithetical to our American system. Her unwillingness to provide Constitutional reasoning for her decisions exposes her arrogance and her disrespect for our judicial system and the people whose lives are dramatically impacted by her decisions. She fails even President Obama's controversial "empathy" test of considering how her decisions "affect the daily realities of people's lives, whether they can make a living, and care for their families, whether they feel safe in their homes. ..." Through her work as a judge and in organizations, she has denied people equal opportunity to make a living because of the color of their skin, preborn babies their right to live, women the right not to be exploited by abortionists, and property owners the right of their own property.

Impartiality and sound judicial temperament are essential for a Justice of the Supreme Court. After giving her the benefit of the doubt, an examination of Judge Sotomayor's record of supporting preferences to certain classes of people and denying equal justice to others obliges Concerned Women for America Legislative Action Committee to oppose her nomination to the U.S. Supreme Court.

We urge you to vote against her nomination.

CWALAC members consider this issue a top priority, as its ramifications affect our most basic rights. Therefore, we will be scoring the vote against the nomination of Judge Sonia Sotomayor and reporting back to the members in your state.

"Then I commanded your judges at the time, saying, 'Hear the cases between your brethren, and judge righteously between a man and his brother or the stranger who is with him. You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man's presence, for judgment is God's.'"
Deuteronomy 1:16:17

Respectfully,



Wendy Wright
President