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Obama names Sotomayor to Supreme Court

Judge would be first Hispanic on high court

By [Robert Schroeder](#), MarketWatch

WASHINGTON (MarketWatch) -- President Barack Obama on Tuesday named Sonia Sotomayor to be the first Hispanic on the U.S. Supreme Court, saying the appeals court judge had the right mix of compassion and intelligence to sit on the high court.

Currently a judge on the U.S. Court of Appeals for the Second Circuit, the 54-year-old Sotomayor would be the third female justice in the court's history.



Pace University

Speaking at the White House, Obama said Sotomayor not only fulfilled his requirements for intelligence and an ability to interpret the law, but for the experience that gives "a common touch and a sense of compassion."

"Judge Sotomayor has worked at almost every level of our judicial system, providing her with a depth of experience and a breadth of perspective that will be invaluable as a Supreme Court justice," Obama said, emphasizing that she has been nominated for positions by both Republican and Democratic presidents.

With Democrats in control of the Senate, Sotomayor's confirmation appears likely. The court begins its next term Oct. 5. This is Obama's first appointment to the Supreme Court.

Belief in rule of law

Standing by Obama's side, Sotomayor thanked her family and said she finds endless challenges in the complexities of the law.

"I firmly believe in the rule of law as the foundation for all of our basic rights," she said.

Sotomayor was born in Bronx, N.Y., in 1954, to Puerto Rican parents and is a graduate of Princeton University and Yale Law School.

Earlier this month, Obama said he'd seek an empathetic, independent-minded person to replace retiring Justice David Souter. He made it clear that he wanted someone with a common touch, and Sotomayor seems to fit that bill, having grown up in a housing project and risen through the legal ranks.

Obama's nominee

President Obama nominates New York Judge Sonia Sotomayor to the U.S. Supreme Court. Courtesy Fox Business Network.

As a federal district judge in 1995, Sotomayor ruled with baseball players over owners in a labor strike that led to the cancellation of the World Series.

On business cases, Sotomayor was overturned by the Supreme Court in 2005 for an appeals court ruling that allowed a class-action securities lawsuit against Wall Street firms.

And she sided against power companies and the Environmental Protection Agency in a 2007 case, arguing that the EPA can't weigh costs and benefits when deciding what the "best technology" is for protecting fish that get sucked into power plants.

Glenn Lammi, chief counsel of the pro-business Washington Legal Foundation, said her views in those cases "are on their face troubling," given the results.

But she also authored two opinions that barred the European Community from suing the tobacco industry under U.S. racketeering laws, Dow Jones Newswires reported, citing a legal analysis by law firm Akin Gump's Scotusblog.com.

Some skeptics, but confirmation likely

Conservatives immediately jumped on the nomination.

"Judge Sotomayor is a liberal judicial activist of the first order who thinks her own personal political agenda is more important than the law as written," said Wendy Long, counsel to the Judicial Confirmation Network, in a statement. "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."

Senate Republican Leader Mitch McConnell said Republicans would treat Sotomayor "fairly.

"But we will thoroughly 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," McConnell said in a statement on Tuesday.

As an appellate judge, Sotomayor sided with New Haven, Conn.'s decision to scrap tests used to evaluate candidates for promotion in its fire department because too few minorities scored high enough. That case is now before the Supreme Court.

Attorney and Scotusblog.com blogger Tom Goldstein said that, despite expected attacks from opponents about her intelligence and alleged judicial "activism," "her easy confirmation seems assured."

The appointment of Sotomayor wouldn't drastically change the makeup of the court. Souter is one of four liberals on the Supreme Court, offset by four conservatives, including Chief Justice John Roberts. Justice Anthony Kennedy is considered a swing vote.

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