

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Local

[\[Print\]](#) [\[Email\]](#)



# Sotomayor dodges gun questions, cites pending cases

By: [Susan Ferrechio](#)  
Chief Congressional Correspondent  
July 16, 2009

Republicans and some Democrats on the Senate Judiciary Committee have been trying to pin down Supreme Court nominee Sonia Sotomayor on where she stands regarding gun ownership rights, but her views remain mostly a mystery after two days of questioning.

Sotomayor cited the fact that Second Amendment cases are likely to soon come before the Supreme Court and declined to answer many specific questions about whether she supported gun ownership as a fundamental right. But her past rulings have left gun rights advocates nervous.

"My readers are not simply wary of this woman, they are furious, because she won't answer basic questions," said Gun Week editor Dave Workman.

Legal scholars say Sotomayor had little choice but to avoid getting specific on gun rights, as the Supreme Court will likely soon take up whether the Second Amendment applies to states, not just the federal government, as they decided for Washington, D.C., last year in *District of Columbia v. Heller*.

Sotomayor, has been criticized by gun rights advocates because while on the Second Circuit last year she ruled that the amendment did not apply to the states, citing turn-of-the-century law rather than more modern legal precedent that contradicted such a view. In 2004, she ruled that gun ownership was not a fundamental right.

But the bigger concern among gun rights proponents is how Sotomayor might rule on future cases involving how or if a state can regulate or restrict gun ownership, which could come before the Supreme Court as early as 2010.

"Nothing she has said in the hearing really assuages people who are concerned about where she will eventually stand not on incorporation of the Second Amendment by the states, but on the scope of municipal regulation in the long term," said Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, a libertarian think tank.

Sotomayor took queries Wednesday from more than a half-dozen senators, including Republicans who for the

second day in a row pressed the judge on her history of publicly endorsing the use of personal experiences and prejudices when deciding law. And for the second day, Sotomayor tried to distance herself from those comments, leading the top Republican on the panel, Sen. Jeff Sessions of Alabama, to describe her testimony as "muddled" and "backtracking."

Sessions also pressed Sotomayor on gun ownership, telling her "this is a hugely important issue," and asking her if her past rulings signal that she does not support gun ownership as a fundamental right.

"I have not made up my mind," Sotomayor responded, pointing out that the question was left open when the Supreme Court decided the Heller case.


"I did not say that I believe it is not fundamental or that I hold a view that it is not."

Sotomayor was also intentionally vague on her personal views about abortion, saying that she was not asked about them by President Barack Obama when he nominated her to the Supreme Court.

[sferrechio@washingtonexaminer.com](mailto:sferrechio@washingtonexaminer.com)

**Find this article at:**

[http://www.washingtonexaminer.com/local/Sotomayor-dodges-gun-questions\\_-cites-pending-cases-7977298-50890607.html](http://www.washingtonexaminer.com/local/Sotomayor-dodges-gun-questions_-cites-pending-cases-7977298-50890607.html)

 **Click to Print**

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Check the box to include the list of links referenced in the article.