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From humble roots, a court nominee in Obama's image

By Joan Biskupic and Martha T. Moore, USA TODAY

WASHINGTON — As Supreme Court nominee Sonia Sotomayor stood next to President Obama on Tuesday, she admitted to being a bit nervous and "deeply moved."

And then the Puerto Rican child of the housing projects in the Bronx, N.Y., made it clear who she believed was mostly responsible for her being in position to become the first Hispanic on the Supreme Court: her mother.

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"I have often said that I am all I am because of her, and I am only half the woman she is," Sotomayor said of Celina Sotomayor, who worked as a nurse six days a week to support her family.

Obama's selection of Sonia Sotomayor, 54, drew an emotional wave of praise from Hispanic groups. Sotomayor's story — a minority rising from humble beginnings to, potentially, the top rungs of American government — rivals that of Obama himself, and suggests a steeliness that could be helpful in a Senate confirmation process that can be intimidating.

In nominating Sotomayor, Obama talked as much about her success story — from New York's projects to Princeton, Yale Law School and appointments to federal judgeships — as he did about Sotomayor's views on the law.

"She's faced down barriers, overcome the odds, lived out the American dream that brought her parents here so long ago," Obama said, noting that Sotomayor's father was a factory worker with a third-grade education who didn't speak English. He died when she was 9.

If approved by the Senate, Sotomayor would be the third woman ever to join the high court and the second on the current bench, joining Ruth Bader Ginsburg. In announcing his choice as a successor to retiring Justice David Souter and the first high-court nomination of his tenure, Obama called Sotomayor an "inspiring woman who I believe will make a great justice."

As a successor to the liberal Souter on the divided, nine-member court, Sotomayor is not likely to tip the ideological balance of the bench. Yet she would bring diversity to the court — whose members include eight whites and one African American (conservative Clarence Thomas) — not only in her ethnicity, but in how she arrived at the high court.

Sotomayor won a scholarship to Princeton, then attended Yale Law School. She became a prosecutor in New York, then a corporate litigator, before being seated to a federal trial court by the first President Bush. Six years later, President Clinton elevated her to a New York-based appeals court.

On Tuesday, Sotomayor presented herself much in the vein of the president, as someone who beat the odds of economics, race and ethnicity in childhood.

"My heart today is bursting with gratitude," she said.

Lisa Zornberg, a former law clerk to Sotomayor, said "the way she presented herself is entirely true to how she is as a person. She is 100% authentic. She is a dynamo. She is incredibly charming and very much about real-world pragmatism."

Democrats, including Senate Judiciary Chairman Patrick Leahy, D-Vt., praised her "exemplary record" and said he would work closely with Republicans to win confirmation.

Republican senators, including Minority Leader Mitch McConnell of Kentucky, said they would need time to review Sotomayor's 17-year record as a judge.

"We will thoroughly examine her record to ensure she understands that the role of a jurist in our democracy is to apply the

law evenhandedly, despite their own feelings or personal or political preferences," McConnell said.

Conservative interest groups, including the American Center for Law and Justice (ACLJ), called her an "activist" judge. Among her more controversial votes as a judge was one endorsing a Connecticut city's decision to discard the results of a firefighter promotion test because blacks and Hispanics scored disproportionately lower than whites. The case is now before the Supreme Court.

Sotomayor was typically direct Tuesday in signaling that she would not be shy about countering such criticism. She said she decides cases based on the law, without an agenda in mind.

"I firmly believe in the rule of law," she said.

The president said that of four finalists he interviewed for the appointment, he knew the least about Sotomayor and had never met with her before Thursday, when she spent seven hours at the White House, including one with the president.

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'Really an inspiration'

The news of Sotomayor's nomination was announced over the public address system at her old school, Cardinal Spellman High School in the Bronx.

And it echoed around the brick buildings of the Bronxdale Houses, the public housing complex where Sotomayor grew up.

"It's really an inspiration for me," says Ivellisse Velasquez, 18, who has always lived in Bronxdale Houses. "I can really be whatever I want to be. She made it out of the projects and hardly anyone makes it out."

Sotomayor's parents came to New York from Puerto Rico during World War II. After her husband died, Sotomayor's mother worked two jobs, including one as a nurse at a methadone clinic, to support Sonia and her brother, Juan, who is now a doctor.

At age 8, Sotomayor was diagnosed with Type 1 diabetes, for which she continues to take insulin daily. She has said she initially wanted to become the next Nancy Drew (a fictional detective), but turned to another role model: the judge on the TV courtroom drama *Perry Mason*.

Her mother bought a set of encyclopedias on an installment plan. The encyclopedias helped Sotomayor get first to Cardinal Spellman, where she participated in student government and on the debate team, and then, after her graduation in 1972, to Princeton.

There, she was not only one of a few Hispanic students but also in one of the first classes of women to enter the Ivy League school. She felt so out of her element, she has said in interviews, that she didn't raise her hand once in class during her freshman year.

By the time she graduated in 1976, she had received the school's highest prize for scholarship, character and leadership. In 2001, the university awarded her an honorary doctorate, and in 2007 she became a trustee.

"She was a big name on campus, she won the Pyne Prize, which is sort of like the MVP of the student body," says Randall Kennedy, a Harvard Law School professor who was a year behind Sotomayor at Princeton. "She really distinguished herself ... and was headed for big things."

Not since the 1991 nomination of Clarence Thomas, who was born in poverty near Savannah, Ga., and reared by grandparents, has a Supreme Court nominee overcome such personal odds.

If confirmed, Sotomayor likely would be the least wealthy justice, judges' financial disclosures show. While most Supreme Court justices are millionaires, the only assets Sotomayor reported on her 2007 disclosure form were a savings account containing \$50,000 to \$100,000 and a checking account with less than \$15,000. She earned \$179,500 in 2008 as a judge on the 2nd U.S. Circuit Court of Appeals in New York. As a justice, she would make \$208,100.

A 'radical' choice?

The appeals court decision allowing the city of New Haven to toss the results of a firefighter promotion test provided material for Sotomayor's critics.

The city threw out the test results because blacks and Hispanics scored disproportionately lower than whites.

The Supreme Court is weighing whether the "reverse discrimination" move violated the rights of white firefighters who say they were denied promotions.

The tone of oral arguments last month suggested the justices were ready to reverse the appeals court.

Noting that Sotomayor had voted to throw out the firefighters' test, Roger Pilon, vice president of legal affairs of the libertarian Cato Institute, said Obama had chosen "the most radical of all the frequently mentioned candidates before him."

Yet, much of Sotomayor's work as a trial judge and then appellate jurist has involved routine business and other civil matters, rather than incendiary social topics such as abortion and the death penalty.

As a trial judge, she also issued an order that helped end the Major League Baseball strike of 1994-95.

"Some say that Judge Sotomayor saved baseball," Obama said Tuesday.

She was an assistant district attorney in New York 1979-84, then worked at the law firm of Pavia and Harcourt 1984-1992.

Manhattan district attorney Robert Morgenthau described Sotomayor as someone who would decide cases "down the middle."

"She's highly intelligent, (a) very hard worker and she'll do what she thinks is right based on the law and not on any ideology," Morgenthau said.

Sotomayor's remarks at a 2005 legal conference at Duke University's law school are likely to draw scrutiny during the confirmation process, especially among conservatives who question whether she would interpret the Constitution strictly or try to change policies through rulings.

"The court of appeals is where policy is made," Sotomayor said during the conference.

She then quickly added, "I know this is on tape and I should never say that, because we don't make law, I know. Um, OK. I know. I'm not promoting it, I'm not advocating it."

White House spokesman Robert Gibbs said Sotomayor's career proves "this is not somebody that you could reasonably argue advocates for or is engaged in legislating from the bench."

In 2002, Sotomayor wrote the 2nd Circuit's opinion rejecting a challenge to Bush administration policy barring federal funding for foreign non-governmental organizations that perform abortions, the so-called "Mexico City Policy."

"The Supreme Court has made clear that the government is free to favor the anti-abortion position over the pro-choice position, and can do so with public funds," she wrote in the decision against abortion-rights groups.

Yet she has authored opinions that could be deemed liberal and that have been reversed by the conservative majority at the Supreme Court.

Among those was her 2000 opinion allowing a prisoner who suffered a heart attack while in a halfway house to bring a constitutional claim against a private corporation that ran the house on behalf of the Bureau of Prisons.


Thomas Goldstein, a Washington appellate lawyer who has worked closely with Democrats yet independently reviewed her opinions, said, "Our surveys of her opinions put her in essentially the same ideological position as Justice Souter."

Jay Sekulow, chief counsel for the conservative ACLJ, however, said Sotomayor represents "an aggressive decision the president has made that's going to trigger a national debate on the issue of judicial activism and the role of the judiciary."

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