

Congressman Wally Herger issued a statement today regarding the Senate hearings of Judge Sonia Sotomayor's nomination to the United States Supreme Court:

“Although I believe Judge Sotomayor possesses the educational qualifications to serve on the Supreme Court and has tried to present herself as within the judicial mainstream at this week's hearing, I have several significant concerns regarding her nomination. The first relates to her ability to be impartial, which is perhaps the single most important attribute of a good judge. I believe that Judge Sotomayor's comments suggesting that ethnicity and gender can allow judges to reach a 'better conclusion' cast doubt on whether she would analyze a case based solely on the Constitution, relevant statutes, and the facts before her, or utilize her experiences and biases to arrive at her desired result in a manner that is improper for any judge. Additionally, I am deeply troubled by Judge Sotomayor's indications that she believes in using foreign laws as precedent in deciding cases. The American justice system should be based on the Constitution, not a global litmus test.

“Judge Sotomayor has been involved in several controversial decisions, including an affirmative action case where her ruling was recently overturned by the Supreme Court. In fact, of the ten Sotomayor decisions considered by the Supreme Court, eight have been reversed or vacated and another was criticized. I'm also concerned by her belief that the Second Amendment 'is not a fundamental right' and does not apply to state and local governments. Judges, particularly Supreme Court justices, must follow the rule of law and reject the modern tendency of reinterpreting the Constitution and legislating from the bench to satisfy their policy preferences. Throughout her confirmation hearings, Judge Sotomayor has not sufficiently addressed these and other concerns. I hope that the Senate will give this serious consideration before adding Judge Sotomayor to our nation's highest court.”