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**SENATOR SHELDON WHITEHOUSE OPENS ACS CONVENTION
MAKES CASE FOR IMPORTANCE OF BACKGROUND AND LIFE EXPERIENCE**

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CONTACT: Alex Wohl, Jeremy Leaming
awohl@acslaw.org, jleaming@acslaw.org
202-393-6181

In a stirring speech before a standing room only crowd at the opening session of the 2009 ACS National Convention, U.S. Sen. Sheldon Whitehouse provided a strong rebuttal to some of the opposition to the confirmation of Supreme Court nominee Judge Sonia Sotomayor.

Taking on the critics who questioned the relevance of Judge Sotomayor's background, Whitehouse quoted Justice Oliver Wendell Holmes' famous aphorism that, "The Life of the law has not been logic: it has been experience"

"No matter whether one agrees with the results courts reach, we all should recognize the wide discretion properly left to judges in interpreting the law and applying it to the facts of the case," Whitehouse said.

"Constitutional law," Whitehouse continued, "often turns on the judgment of courts, as the relevant doctrines require the balancing of competing crucial interests to deduce the important objects. Separation of powers cases, for example, require courts to evaluate the competing interests and prerogatives of the branches of government. Due Process cases require a weighing of governmental and private interests, since Due Process, as the Supreme Court explained in *Mathews v. Eldridge*, 'is flexible and calls for such procedural protections as the particular situation demands.'"

Whitehouse stated that Sotomayor's life experiences would prove an invaluable asset to her ability to be an outstanding Supreme Court justice.

"It is harsh, narrow-minded, and ahistoric to contend that a rich life experience and natural empathy" as "at odds with the wise exercise of judicial discretion that is the longstanding tradition underlying the American system of law," he said. "Broad and diverse life experiences can make for better judgment and truer justice, and we should celebrate a nominee who would bring these qualities to the bench."

Whitehouse questioned the sincerity of the opposition's arguments that have targeted these experiences, as well as some comments regarding her background, education and upbringing.

"Indeed, is Judge Sotomayor's life experience as a wise Latina woman, or President Obama's concern for judicial empathy, really the issue?" he said. "Or does that stated concern reveal more about the critics than about the judge and the President? Does it not perhaps reveal impatience with any worldview that has not been groomed in corporate boardrooms, scrubbed by the Federalist Society, cosseted by privilege and exclusion, and comforted by the status quo?"

“Our world, I think, is bigger than that, and our Constitution must be sized to fit that larger world,” Whitehouse continued. “If Sonia Sotomayor represents a part of that larger world, even if she takes some points of view outside their comfort zone, that may be the very best argument for her nomination.”

Whitehouse closed by noting that his “consideration of her nomination will ultimately turn upon her record and the answers she gives at her hearing.”

Sen. Amy Klobuchar, also a member of the Judiciary Committee, this morning addressed a packed house at the Convention, further making the case for Judge Sotomayor, noting that she has “seventeen years of reasoned decisions,” and bring more judicial experience to the High Court than any justice in 100 years.

Video of Sen. Whitehouse’s speech is available [here](#) and the text is available [here](#).

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