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Worse than Souter: Judge Sonia Sotomayor on Abortion & Other Life Issues

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NEW:

- [AUL's President and CEO Charmaine Yoest outlines how Judge Sotomayor is worse than Justice Souter on the issue of life in the *Washington Times*.](#)
- [See Americans United for Life's Comparison Chart Comparing Justice Souter and Judge Sotomayor.](#)

While [Judge Sonia Sotomayor's past decisions](#) have not directly concerned abortion rights, there are strong reasons to believe that, if confirmed, she will follow the most extreme agenda possible. Her record of abortion advocacy indicates that she would not only uphold the current regime of abortion-on-demand in all nine months of pregnancy for any reason, but go even further — seeking to radically reinterpret the Constitution by making abortion a fundamental right (like freedom of speech) eliminating more than 500 state and federal abortion laws supported by the vast majority of the American people.

1. Judge Sotomayor was a governing board member of an organization that actively pushed the Supreme Court toward a radical expansion of abortion rights.

Prior to becoming a federal judge, Sonia Sotomayor was a governing board member of the Puerto Rican Legal Defense and Education Fund (PRLDEF) from 1980 to October 1992. On her watch, the organization filed at least six briefs in prominent abortion-related court cases, including one in the landmark 1988 U.S. Supreme Court case *Webster v. Reproductive Health Services*. [This PRLDEF brief](#) argued that the Court should strike down Missouri's common-sense abortion regulations. In effect, it called upon the Supreme Court to read the [Freedom of Choice Act \(FOCA\)](#) into the Constitution, protecting abortion as a fundamental right and applying the most stringent level of judicial review — known as "strict scrutiny" — to strike down abortion regulations.

2. The PRLDEF briefs indicate Judge Sotomayor would be more pro-abortion than Justice Souter.

While Justice David Souter voted in 2000 and again in 2007 to strike down bans on partial-birth abortion, he did vote to permit significant state and federal regulations of abortion. In 1991, Justice Souter voted in *Rust v. Sullivan* to uphold federal regulations prohibiting the use of certain categories of federal funding for abortion referrals and counseling. In addition, he also voted in *Planned Parenthood v. Casey* (1992) to uphold Pennsylvania's parental consent and informed consent law.

The PRLDEF briefs, which Judge Sotomayor has never disavowed, indicate that Judge Sotomayor's views go much farther than Justice Souter — and in fact shares the Blackmun, Brennan, and Marshall view of the constitutionality of abortion rights. In every decision made on the Court, these three justices considered abortion a fundamental right and applied strict scrutiny to strike down abortion regulations. Additionally, their views drove them to vote to require taxpayers at both the federal and state level to pay for abortions (*Beal v. Doe* (1977), *Maher v. Roe* (1977), *Poelker v. Doe* (1977), *Harris v. McRae* (1980), *Williams v. Zbaraz* (1980)).

According to the [New York Times](#) on May 28, "The board monitored all litigation undertaken by the fund's lawyers, and a number of those lawyers said Ms. Sotomayor was an involved and ardent supporter of their various legal efforts."

3. The White House, pro-abortion Senators, pro-abortion organizations, and former associates of hers agree that Judge Sotomayor would support abortion rights.

- On President Obama's meetings with Judge Sotomayor: "In their discussions, they talked about the theory of constitutional interpretation, generally, including her views on unenumerated rights in the Constitution and the theory of settled law. He left very comfortable with her interpretation of the Constitution being similar to that of his." – [Robert Gibbs, White House Press Secretary](#)
- "I was very pleased that the judge indicated that in the past that she has had a great respect for precedent and that *Roe v. Wade* is established law" – [U.S. Sen. Ron Wyden](#) (D-Oregon)
- On Judge Sotomayor's seeing *Roe v. Wade* as a settled "precedent": "I believe she has a real respect for precedent and . . . if that is really true then I will agree with her, and I believe it is." – [U.S. Sen. Diane Feinstein](#) (D-Calif.)
- "This historic nomination of Judge Sonia Sotomayor to the U.S. Supreme Court sends a strong signal that President Obama understands the importance of ensuring that our Supreme Court justices respect precedent while also protecting our civil liberties." – [Cecile Richards, Planned Parenthood Federation of America](#)
- "This morning we will celebrate, and this afternoon NOW will launch our 'Confirm Her' campaign to ensure the swift confirmation of the next Supreme Court Justice." – [Kim Gandy, National Organization for Women](#)
- "I can guarantee she'll be for abortion rights." – [George Pavia, former law firm associate](#)

LEARN MORE: See [AUL's expert analysis](#) of Judge Sotomayor's life-related rulings and writings.



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