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AP - FILE - In this July 16, 2009 file photo, Sonia Sotomayor, appears before the Senate Judiciary Committee ...

By JULIE HIRSCHFELD DAVIS, Associated Press Writer - 1 min ago
WASHINGTON - Sonia Sotomayor won confirmation Thursday as the nation's first Hispanic Supreme Court justice in a history-making Senate vote that capped a summer-long debate heavy with ethnic politics. She'll be sworn in Saturday as the court's 111th justice, third woman and first nominee by a Democrat in 15 years. The Senate vote was 68-31 to confirm Sotomayor, President Barack Obama's first Supreme Court nominee.

The 55-year-old daughter of Puerto Rican parents was raised in a South Bronx housing project and educated in the Ivy League before rising to the highest legal echelons, spending the past 17 years as a federal judge.

A majority of Republicans lined up against her, arguing she'd bring personal bias and a liberal agenda to the bench. But Democrats praised Sotomayor as an extraordinarily qualified mainstream moderate and touted her elevation to the court as a milestone in the nation's journey toward greater equality and a reaffirmation of the American dream.

Obama, the nation's first black president, praised the Senate's vote as "breaking another barrier and moving us yet another step closer to a more perfect union."

Minutes before the vote, Sen. Robert Menendez of New Jersey, the Senate's lone Hispanic Democrat, said, "History awaits, and so does an anxious Hispanic community in this country."

"When she places her hand on the Bible and takes the oath of office, the new portrait of the justices of the Supreme Court will clearly reflect who we are as a nation, what we stand for as a fair, just and hopeful people."

The Senate chamber was heavy with history as senators took the rare step of assembling at their desks on for the vote, rising from their

seats to call out "aye" or "nay." The longest-serving senator, 91-year-old Robert Byrd of West Virginia who has been in frail health following a long hospitalization, was brought in in a wheelchair to vote in Sotomayor's favor. Edward Kennedy, D-Mass., suffering from brain cancer, was the only senator absent.

Sotomayor replaces retiring Justice David Souter, a liberal named by a Republican president, and she is not expected to alter the court's ideological split.

Still, Republicans and Democrats were deeply at odds over confirming Sotomayor, and the battle over her nomination highlighted profound philosophical disagreements that will shape future fights over the court's makeup as Obama looks to another likely vacancy - perhaps more than one_ while he's in the White House.

The GOP decried Obama's call for "empathy" in a justice, painting Sotomayor as the embodiment of an inappropriate standard that would let a judge bring her personal whims and prejudices to the bench.

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Her writings and speeches "reflect a belief not just that impartiality is not possible, but that it's not even worth the effort," said Sen. Mitch McConnell, R-Ky., the minority leader. "In Judge Sotomayor's court, groups that didn't make the cut of preferred groups often found that they ended up on the short end of the empathy standard."

Democrats, for their part, hailed the vote as a breakthrough achievement for the country, on par with enactment of civil rights laws. They warned Republicans they risked a backlash from Hispanic voters in the short term and an enduring black mark on their party in history books by opposing Sotomayor's confirmation.

"Those who oppose her for fear of her unique life experience do no justice to her or our nation. Their names will be listed in our nation's annals of elected officials one step behind America's historic march forward," said Sen. Dick Durbin of Illinois, the No. 2 Democrat.

A number of GOP senators argued Sotomayor's speeches and record made her unacceptable. They pointed to rulings in which they said she showed disregard for gun rights, property rights and job discrimination claims by white employees. And they repeatedly cited comments she had made about the role that a judge's background and perspective can play, especially a 2001 speech in which she said she hoped a "wise Latina" judge would usually make better decisions than a white man.

"She has bluntly advocated a judicial philosophy where judges ground their decisions not in the objective rule of law, but in the subjective realm of personal 'opinions, sympathies and prejudices,'" said Sen. Jeff Sessions of Alabama, the senior Republican on the Judiciary Committee.

Republicans have been particularly critical of Sotomayor's position on the Second Amendment right to keep and bear arms. She was part of a federal appeals court panel in New York that ruled this year that the amendment limits only the federal government — not states — a decision in keeping with previous Supreme Court precedent. Gun rights supporters said her panel shouldn't have called the issue "settled law," and they criticized her for refusing during her confirmation hearings to go beyond what the high court has said and declare that the Second Amendment applies to the states.

The National Rifle Association strongly opposed her and threatened to downgrade its ratings of any senator who voted to confirm Sotomayor. The warning made little impact on Democrats, but it may have influenced some Republicans who were initially considered possible supporters but have since announced their opposition, citing gun rights as a key reason.

In the final tally, nine Republicans joined majority Democrats and the Senate's two independents to support Sotomayor's confirmation. They included the Senate's few GOP moderates and its lone Hispanic Republican, retiring Sen. Mel Martinez of Florida, as well as conservative Sens. Lindsey Graham of South Carolina and Lamar Alexander of Tennessee, the party's third-ranking leader.

The Republicans who voted for her said that they might disagree with some of her rulings, statements or views, but that she was well-qualified to serve on the nation's highest court.

"Judge Sotomayor's decisions, while not always the decision I would render, are not outside the legal mainstream and do not indicate an obvious desire to legislate from the bench," said GOP Sen. George Voinovich of Ohio.

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