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Sonia Sotomayor - 2nd Circuit (NY) [1]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	Handwritten note (1 page)	n.d.	P2, P5, P6/b(6)
002. note	Handwritten note re: Sotomayor (1 page)	n.d.	P2
003. letter	Letters in support of Sotomayor for United States Court of Appeals, Second Circuit; RE: Personal addresses and SSN's (partial) (110 pages)	1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
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FOLDER TITLE:

Sonia Sotomayor - 2nd Circuit (NY) [1]

2009-1007-F
db1202

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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CLINTON LIBRARY PHOTOCOPY

July 6, 1998

William J. Clinton
President of the United States
The White House
Washington, DC 20500

Dear President Clinton:

On behalf of its over 200 member colleges and universities throughout the United States, the over 1.2 million Hispanic college students in America, and Hispanic Americans across the country, we write to urge your support for the appointment of the first Hispanic American to the United States Supreme Court at the first available opportunity.

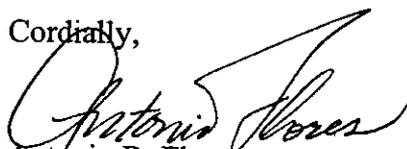
The following list of distinguished lawyers and judges was carefully developed by two U.S. Supreme Court committees empaneled by the National Hispanic Bar Association to conduct a thorough nationwide search. Over a five-year period, attorneys across the country participated in exhaustive reviews of the judicial opinions, writings, and credentials of potential nominees from among the nation's leading Hispanic lawyers and judges. All of the nominees have been deemed "well-qualified" to serve on the Supreme Court and we are proud to recommend them for the nation's highest court:

- Joseph F. Baca, Justice, New Mexico Supreme Court
- Fortunato P. Benavides, Judge, U.S. Court of Appeals, Fifth Circuit
- Jose A. Cabranes, Judge, U.S. Court of Appeals, Second Circuit
- Gilbert F. Casillas, Former Chairman, EEOC
- Vilma S. Martinez, Partner, Munger, Tolles & Olson
- Cruz Reynoso, Former Justice, California Supreme Court

We firmly believe that as Hispanic Americans become the largest ethnic group in the early part of the 21st century, but remain the most underrepresented group in the entire federal government, it is time to include over 30 million Hispanic Americans in decisions that impact our national future. The appointment of a well-qualified Hispanic to the United States Supreme Court would help the nation's highest court to better reflect the face of America. Your presidential legacy would also be enhanced by such historic appointment.

Thank you for your consideration of this recommendation.

Cordially,


Antonio R. Flores
President

ARF/ci

JUL 7 1998

- c: Senator Orrin Hatch
Honorable Charles F. Ruff
Ambassador Bill Richardson
Honorable Rahm Emanuel
Honorable Erskin Bowles
Honorable Maria Echaveste

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PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION
OFFICE OF THE GOVERNOR

PEDRO ROSSELLÓ
GOVERNOR

XAVIER ROMEU
EXECUTIVE DIRECTOR AND
GENERAL COUNSEL

July 9, 1998

Ms. Sarah Wilson
Associate Counsel to the President
Room 128
Old Executive Office Building
Washington, D.C.

Dear Ms. Wilson:

Mr. Xavier Romeu, Executive Director of the Puerto Rico Federal Affairs Administration, has requested that the enclosed documents be sent to your attention. Enclosed please find the letters written by constituents from New York and Connecticut on behalf of the elevation of Judge Sotomayor to the United States Court of Appeals for the Second Circuit. A set of copies was hand-delivered to every Senator's office yesterday, July 8, 1998.

In addition, I have enclosed a copy of the letter written on her behalf by several Hispanic and non-Hispanic national bar associations. Finally, I am including one copy of each the Heatley and the Silverman cases, as well as an excerpt of the Archie case. The letter written by the bar associations and the copies of the cases, make up the materials that we have been providing on our recent visits to the Senate.

Please do not hesitate to call me at (202) 778-0736 if I may be of further assistance.

Yours truly,



Gloria E. Markus
Senior Legislative Assistant

PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION
OFFICE OF THE GOVERNOR

PEDRO ROSSELLÓ
GOVERNOR

XAVIER ROMEU
EXECUTIVE DIRECTOR AND
GENERAL COUNSEL

May 12, 1998

The National Conference of Women's Bar Association; the Hispanic National Bar Association; the Women's Bar Association of New York; the National Puerto Rican Bar Association; the Asian Bar Association; the Cuban American Bar Association, Northeast Region; the Dominican Bar Association; Mexican-American Legal Defense and Education Fund (MALDEF); and the Office of the Governor of Puerto Rico, urge the Senate to schedule a vote on the Senate floor, for Judge Sonia Sotomayor

We are writing to you on behalf of the over 60,000 attorneys that are represented by the above subscribed national legal organizations. These legal organizations call on the Senate to schedule a vote for the elevation of Judge Sonia Sotomayor, Judge of the Southern District of New York, to the United States Court of Appeals for the Second Circuit. Judge Sotomayor's judicial, academic and personal history is exemplary and of the highest order by any measure. Highlights of her career include:

- **EXCEPTIONAL JUDICIAL RECORD AND TEMPERAMENT**

Judge Sotomayor's record as a federal judge is brilliant; during her five (5) year tenure, she has been reversed only six (6) times, an impressive record considering Judge Sotomayor sits in the Southern District of New York, perhaps the most litigious and scrutinized district court in the United States.

- **STRONG BI-PARTISAN SUPPORT**

Judge Sotomayor was appointed by President George Bush in 1992 with strong bi-partisan support in the Senate from Republicans and Democrats alike. President Bush made history with his appointment of Judge Sotomayor, who became the first Hispanic woman to serve in the Southern District of New York and the first Puerto Rican woman to serve in any federal court in the continental United States. Making history once more, on June 25, 1997, Judge Sotomayor was nominated by President

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Clinton to the Second Circuit.

- **CONSENSUS CANDIDATE**

Judge Sotomayor enjoys the unreserved and enthusiastic support of every major Hispanic Bar Association including the Puerto Rican Bar Association, the Hispanic National Bar Association, the Cuban American Bar Association, and the Dominican Bar Association, to name a few.

- **BRILLIANT ACADEMIC CAREER**

Judge Sonia Sotomayor graduated from Yale Law School in 1979, where she served as an Editor of the Yale Law Journal and as a Managing Editor of the Yale Studies in World Public Order. Judge Sotomayor graduated summa cum laude from Princeton University in 1976, where she was a member of Phi Beta Kappa.

- **EXCEPTIONAL LEGAL CAREER**

Judge Sonia Sotomayor served the New York community as a prosecuting attorney for five (5) years (1979-1984), in her capacity as Assistant District Attorney in the New York County District Attorney's office. Judge Sotomayor then became an associate in 1984 and a partner in 1988 in the respected law firm of Pavia and Harcourt, where she litigated complex international and commercial matters. President Bush appointed Judge Sotomayor to the bench in 1992, where she has served with distinction.

We strongly encourage you to support and actively call for an early floor date for Judge Sonia Sotomayor.

Office of the Governor of Puerto Rico, the Honorable Pedro Rosselló
National Conference of Women's Bar Association
Hispanic National Bar Association
Women's Bar Association of New York
National Puerto Rican Bar Association
Asian Bar Association
Cuban-American Bar Association, Northeast Region
Dominican Bar Association
Mexican American Legal Defense and Education Fund

Keith ARCHIE; Rudy Askew; Raymond Del Valle;
Percival Dennis; Cynthia Dilbert;
Joyce Dorsey; William Farrior; Carlton Ford;
Fitzroy Frederick; Miles Harp;
Felicia Hart; Warren Hartshorn; Jay Hemphill;
Derrick Johnson; William Johnson;
William J. Johnson; Mona Lisa Larry; Gregory
Lloyd; Frederick Mack; Ronald
Manning; Mark McMillan; Regina Miller; Ernest
Montgomery; James Moore; Dennis
Novak; Nina Paul; Nathan Rhames; Jose
Rodriguez; William Scott; David Solomon;
Lee Springer; Zachary Suddith; Arnold Thornton;
Stanley Turner; Tony Turner;
Thelma Wall; James Whitman; Earl Williams;
Jerome Williams; and Oscar Willis;
on behalf of themselves and all others similarly
situated, Plaintiffs,

v.

GRAND CENTRAL PARTNERSHIP, INC.;
Grand Central Partnership Social Services
Corporation; and 34th Street Partnership, Inc.,
Defendants.

No. 95 CIV. 0694(SS).

United States District Court,
S.D. New York.

March 18, 1998.

Formerly homeless and jobless participants in an employment program brought action against three non-profit entities, alleging that the entities unlawfully paid them sub-minimum wages in the program, in violation of the Fair Labor Standards Act (FLSA) and the New York State Minimum Wage Act. The District Court, Sotomayor, J., held that: (1) defendants constituted a common "enterprise," for purposes of the FLSA; (2) the participants engaged in commerce or in the production of goods for commerce, thus satisfying the interstate commerce requirement for applicability of the FLSA; (3) the participants were not "trainees", but rather, were "employees" of the enterprise, and were thus covered by the minimum wage and overtime provisions of the FLSA; (4) defendants were "employers," for purposes of the New York State Minimum Wage Act; and (5) defendant's would not be allowed to amend their pleading to raise the affirmative defense of statute of limitations.

Ordered accordingly.

[1] LABOR RELATIONS ⇨ 1090

232Ak1090

A non-profit corporation, its alleged subsidiary, and a business improvement district constituted a common "enterprise," for purposes of the Fair Labor Standards Act (FLSA), as alleged by participants in an employment program operated by the subsidiary, who claimed they were not paid the requisite minimum wages; the program was often a means of aiding the corporation and the district in benefiting businesses within their area and providing social services, there was a common control center consisting of the few individuals who held executive positions in one or more of the entities and had the ultimate power to make binding decisions for all three, and all three shared a common business purpose of providing service at a fee to improve business operating conditions. Fair Labor Standards Act of 1938, § 3(r), (s)(1)(A)(i), (ii), 6(a), 7(a)(1), as amended, 29 U.S.C.A. §§ 203(r), (s)(1)(A)(i), (ii), 206(a), 207(a)(1); 29 C.F.R. §§ 779.206(a), 779.214.

[2] LABOR RELATIONS ⇨ 1090

232Ak1090

The three elements to be satisfied for defendants to constitute an "enterprise" covered by the Fair Labor Standards Act (FLSA) are: (1) related activities, (2) unified operation or common control, and (3) common business purpose. Fair Labor Standards Act of 1938, § 3(r), as amended, 29 U.S.C.A. § 203(r).

See publication Words and Phrases for other judicial constructions and definitions.

[3] LABOR RELATIONS ⇨ 1090

232Ak1090

When different business entities are involved, the critical inquiry for determining if entities perform "related activities," so as to be "enterprise" covered by Fair Labor Standards Act (FLSA), is whether there is operational interdependence in fact; entities which provide mutually supportive services to the substantial advantage of each entity are operationally interdependent and may be treated as a single enterprise under the FLSA. Fair Labor Standards Act of 1938, § 3(r), as amended, 29 U.S.C.A. § 203(r). See publication Words and Phrases for other judicial constructions and definitions.

[4] LABOR RELATIONS ⇨ 1090

232Ak1090

While ownership may be an important factor in determining the existence of "common control," for

(Mitchell A. Lowenthal, Martha A. Lees, Yves P. Denize, Jennifer L. Kroman, Of counsel), for Plaintiffs.

Leboeuf, Lamb, Greene, & MacRae, LLP, New York, NY (Molly S. Boast, Kenneth Moltner, Helen Marie Sweeney, Tracey Tiska, Of counsel), for Defendants.

OPINION AND ORDER

SOTOMAYOR, District Judge.

*1 Plaintiffs, formerly homeless and jobless individuals, allege that the defendants—the Grand Central Partnership, Inc. ("GCP"), the Grand Central Partnership Social Services Corporation ("SSC"), and the 34th Street Partnership, Inc. ("34th SP")—unlawfully paid them sub-minimum wages to perform clerical, administrative, maintenance, food service, and outreach work in the defendants' Pathways to Employment ("PTE") Program. Plaintiffs argue that the payment of sub-minimum wages allowed the defendants unfairly to underbid competitors who compensated their employees at lawful rates. Defendants maintain that the plaintiffs were not employees of the PTE Program, but were instead trainees receiving essential basic job skills development and counseling, and thus were not entitled to minimum wage payment.

Plaintiffs claim that the defendants violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, and the New York State Minimum Wage Act, N.Y. Labor Law § 650. They seek judgment that the plaintiffs were employees of the defendants and damages in the amount of back wages, liquidated damages, and reasonable attorneys' fees and costs.

For the reasons to be discussed, the Court finds that the defendants' program did provide the plaintiffs with some meaningful benefits. Nonetheless, despite the defendants' intent, they did not structure a training program as that concept is understood in case law and regulatory interpretations but instead structured a program that required the plaintiffs to do work that had a direct economic benefit for the defendants. Therefore, the plaintiffs were employees, not trainees, and should have been paid minimum wages for their work.

The work the plaintiffs performed competed with other business enterprises paying minimum wages. Despite the attractive nature of the defendants'

program in serving the needs of the homeless, the question of whether such a program should be exempted from the minimum wage laws is a policy decision either Congress or the Executive Branch should make. The defendants had the right to apply for an exemption from the minimum wage requirements of the FLSA and the New York Minimum Wage Act, and should have done so. The Court, however, cannot grant an exemption where one does not exist in law.

FINDINGS OF FACT

I adopt as findings the following facts agreed upon by the parties in their Joint Pre-Trial Order:

AGREED FINDINGS OF FACT

1. Plaintiffs in this action are all homeless or formerly homeless persons. When this case was filed on February 1, 1995, forty individuals had signed consent forms to become Plaintiffs and are named in the caption of this case: Keith Archie; Rudy Askew; Raymond Del Valle; Percival Dennis; Cynthia Dilbert; Joyce Dorsey; William Farrior; Carlton Ford; Fitzroy Frederick; Miles Harp; Felicia Hart; Warren Hartshorn; Jay Hemphill; Derrick Johnson; William Johnson; William J. Johnson; Mona Lisa Larry; Gregory Lloyd; Frederick Mack; Ronald Manning; Mark McMillan; Regina Miller; Ernest Montgomery; James Moore; Dennis Novak; Nina Paul; Nathan Rhames; Jose Rodriguez; William Scott; David Solomon; Lee Springer; Zachary Suddith; Arnold Thornton; Stanley Turner; Tony Turner; Thelma Wall; James Whitman; Earl Williams; Jerome Williams; and Oscar Willis.

*2 2. Defendants have taken the depositions of nine Plaintiffs. They have received responses to interrogatories from an additional 33 Plaintiffs. They have received affidavits from seven Plaintiffs, all of whom submitted interrogatory responses and four of whom were deposed.

3. Defendant Grand Central Partnership ("GCP") is a New York not-for-profit corporation organized and existing under the New York State Not-For-Profit Corporation Law with its principal place of business at 6 East 43rd Street.

4. Defendant Grand Central Partnership Social Services Corporation ("SSC") is a not-for-profit corporation organized and existing under the New York State Not-For-Profit Corporation law, and has

UNITED STATES of America,
v.
Clarence HEATLEY, et al., (John Porter),
Defendants.

No. S11 96 CR. 515 SS.

United States District Court,
S.D. New York.

Feb. 13, 1998.

Defendant indicted on racketeering charges filed motion to suppress statements made to agents of state district attorney's office prior to his indictment and arrest. The District Court, Sotomayor, J., held that agent's representations to defendant regarding benefits of early cooperation and protection for suspect's family did not render statements involuntary.

Motion denied.

[1] CRIMINAL LAW ⇔ 519(1)

110k519(1)

Confession given while not in custody may still be deemed involuntary, such that Fifth Amendment forbids its introduction at trial, if examination of all circumstances discloses that conduct of law enforcement officials was such as to overbear defendant's will to resist and bring about confessions not freely self-determined. U.S.C.A. Const.Amend. 5.

[2] CRIMINAL LAW ⇔ 522(1)

110k522(1)

Impermissible government conduct that may render criminal suspect's confession involuntary and inadmissible under Fifth Amendment includes not only force and threats of force, but may include material misrepresentations based on unfulfillable or other improper promises that might overbear defendant's will. U.S.C.A. Const.Amend. 5.

[2] CRIMINAL LAW ⇔ 522(3)

110k522(3)

Impermissible government conduct that may render criminal suspect's confession involuntary and inadmissible under Fifth Amendment includes not only force and threats of force, but may include material misrepresentations based on unfulfillable or other improper promises that might overbear defendant's will. U.S.C.A. Const.Amend. 5.

[3] CRIMINAL LAW ⇔ 519(9)

110k519(9)

In determining whether conduct of government agents rendered criminal suspect's confession involuntary and inadmissible under Fifth Amendment, court must consider totality of all surrounding circumstances, including suspect's background and experience, conditions of his interrogation, and conduct of government agents. U.S.C.A. Const.Amend. 5.

[4] CRIMINAL LAW ⇔ 531(1)

110k531(1)

Burden is on government to establish voluntariness of defendant's confession by preponderance of the evidence.

[5] CRIMINAL LAW ⇔ 520(2)

110k520(2)

Representation by investigator of district attorney's office that suspect was likely to be indicted, together with general statements regarding benefits of early cooperation with government, did not render suspect's confession involuntary and inadmissible under Fifth Amendment. U.S.C.A. Const.Amend. 5.

[6] CRIMINAL LAW ⇔ 520(2)

110k520(2)

Government's comments to suspect regarding benefits of cooperation do not render confession involuntary as long as characteristics of suspect and conduct of law enforcement officials do not otherwise suggest that suspect could not freely and independently decide whether to cooperate or remain silent. U.S.C.A. Const.Amend. 5.

[7] CRIMINAL LAW ⇔ 520(6)

110k520(6)

Statements by investigator and other agents of district attorney's office suggesting that if suspect were to become cooperating witness, his family could be given protection did not render suspect's confession involuntary and inadmissible under Fifth Amendment; suspect was never told that protection for his family would be refused if he did not confess. U.S.C.A. Const.Amend. 5.

*478 Mary Jo White, United States Attorney; Southern District of New York, New York, NY; Andrew S. Dember, Sharon L. McCarthy, Assistant United States Attorneys, Gregg N. Sofer, Special Assistant United States Attorney, for U.S.

David Cooper, New York, NY, David Cooper, for Defendant John Porter.

CLINTON LIBRARY PHOTOCOPY

OPINION AND ORDER

SOTOMAYOR, District Judge.

Defendant John Porter moves this Court to suppress statements he made to agents of the New York County District Attorney's office prior to his indictment and arrest on the charges in this case. Porter claims that these statements were made only after the agents promised him that they would not use his statements against him and one agent promised he would act as his attorney to protect his legal interests. Porter claims that his inculpatory statements were thereby elicited in violation of the Fifth Amendment. The United States denies that either of these promises were made. An evidentiary hearing was held on November 10 and 12, 1997, to resolve these disputed issues of fact. As *479 discussed below, this Court finds the defendant's story not to be credible and denies Porter's motion to suppress.

BACKGROUND

The following constitute my findings of fact. The defendant, John Porter, is under indictment in this case on charges of conspiring to and engaging in a pattern of racketeering activity in violation of 18 U.S.C. § 1962(c) and (d), conspiring to and committing violent crimes in aid of a racketeering enterprise in violation of 18 U.S.C. § 1959(a)(1) and (5), and firearms and accessory charges in association with the racketeering charges. The alleged racketeering enterprise is known as the "Preacher's Crew," and is asserted by the government to have been involved in numerous murders, assaults, robberies, extortions, and narcotics trafficking in and around New York City and elsewhere.

Dan Rather is an Assistant District Attorney and chief of the firearms trafficking unit of the New York County District Attorney's office. In the summer of 1996, Rather was involved in an investigation into the activities of the Preacher's Crew, and in August of that year his attention began to focus on Porter. Rather thought that Porter had information regarding the Preacher Crew which might be useful to his investigation, and further thought that Porter might be willing to meet and talk to him regarding this information.

To accomplish this meeting, Rather turned to John Capers. Capers is a former NYPD detective and now is employed as an investigator by the New York County District Attorney. Capers had previous contact with Porter and some of his family several years earlier while investigating the murder of Darnell

Porter, John Porter's nephew. Capers was also familiar with some of Porter's alleged criminal activities. After attempting unsuccessfully to locate Porter on his own, Capers talked with Porter's niece and asked her to convince Porter to talk him. She did so, and on August 29, 1996, Capers drove to the vicinity of 130th Street and Seventh Avenue in Manhattan, where Porter met him at approximately 8:30 p.m.

Capers and Porter talked first in Capers's car. Porter inquired as to Capers's position, and Capers informed him that he was investigator for the District Attorney's office. After a brief conversation, Capers began driving downtown towards the District Attorney's office, hoping that by the time they got in the vicinity Porter would have decided to talk with Rather. During the drive, Capers and Porter discussed the fact that Clarence Heatley, one of the co-defendants in this case, had recently been arrested and that there were rumors on the street that Heatley might be cooperating with the government. Capers told Porter that, based on past experience, the first persons arrested in a case involving multiple defendants are often given the chance to cooperate, but did not confirm or deny whether Heatley was in fact doing so. Capers also told Porter that he was likely to be indicted in the future, and told him that in his experience, persons who cooperate with the government get some benefit in the form of a reduced sentence.

Capers and Porter also discussed the safety of Porter and his family. Porter expressed concern that members of the Preacher's Crew might threaten him and his family. Capers told Porter that, if he were to become a cooperating witness for the government, the District Attorney's office could take steps to insure his family's safety, but Capers told Porter that such terms would have to be worked out with Rather and the District Attorney's office.

Upon reaching the vicinity of the D.A.'s office, Porter agreed to meet with Rather, at least for the purposes of finding out Rather's intention. Capers called Rather on his mobile phone and suggested they meet at the Chelsea Piers, an entertainment/sports complex on the West Side Highway near 23rd Street in Manhattan. Capers then drove with Porter to the Piers, and the two of them were met by Rather and Assistant District Attorney Gregg Sofer.

At the Piers, Rather introduced himself to Porter as an Assistant District Attorney. Rather told Porter that

according to his information, Porter was an associate of Heatley and the Preacher's Crew. In response to *480 Porter's statement that "You must think I'm a monster; I'm not a monster," Rather replied that yes, based on what information he had, he did think Porter was a monster, but that he had no choice but to believe that information because he didn't have Porter's side of the story. Porter admitted knowing Heatley, but denied being a member of the Preacher's Crew, asserting that he had only done two crimes since getting out of jail. Rather expressed disbelief at this statement.

Rather also discussed his belief that Porter was in danger from members of the Preacher's Crew because the fact that Porter had not yet been arrested might lead the Crew members to believe he was cooperating with the authorities. This was particularly so, Rather said, in light of the fact that Porter had already been shot once and left to die by members of the Crew at an earlier time because they viewed Porter as a potential threat. Porter confirmed that he was concerned about his safety and that of his family, particularly his son. Rather also told him that even if he didn't get killed on the street, he was very likely to be arrested at some point. Porter agreed with Rather's assessment of the situation. Rather asked Porter if he was willing to come to the D.A.'s office to talk further, and Porter said he was, but no specific date for a second meeting was set. Porter was told to contact Capers if he wanted to talk further. The meeting broke up, and Capers drove Porter back to his neighborhood.

The next day, Friday, August 30, Porter called Capers and indicated a willingness to talk. Capers picked him up that night and registered Porter in an assumed name at a local hotel, giving Porter the keys. Capers gave Porter money for meals for the weekend, then drove him back uptown to his neighborhood. Porter was free to come and go as he pleased, and no other law enforcement officers knew of his whereabouts. Capers and Porter had no further contact that weekend.

On Tuesday, September 3, Capers picked up Porter at the hotel and drove him to the D.A.'s office downtown to meet Rather. They first went to Capers's office, which is one floor below Rather's, then to Rather's office. While in Capers's office that day, Porter admitted seeing certificates on the wall commissioning Capers as an NYPD detective and as an investigator for the New York County D.A.'s office. Rather was, however, unable to

day, so Capers took Porter back to the hotel.

On the next day, September 4, Capers once again picked up Porter and took him to meet Rather. On that day, Porter, Capers, Rather, and Sofer all met in Rather's office at One Hogan Place, the office of the New York County D.A. At the beginning of this meeting, Porter noticed some electronic equipment in Rather's office, and asked whether he was being recorded; Rather assured him he was not. This was in fact true; no recording was done during that first meeting on September 4. Rather began talking to Porter about the two crimes Porter had mentioned at the Chelsea Piers, and after some discussion of these crimes, Rather turned the discussion to a series of four murders. Porter implicated himself at least to some extent in those murders that day. Towards the end of the conversation, Rather, Sofer, and Capers left the room to discuss whether to place Porter under arrest for the murder of James Taylor (a/k/a "LTD"). They decided that because there still more information to be extracted from Porter, and because the September 4 discussion had not been recorded in any way, they would not arrest Porter then so that the discussions could continue.

The next meeting was on September 6. For this meeting, Rather had his office wired with hidden audio and video recording equipment. Porter did not ask again whether he was being recorded. During this conversation, Rather asked Porter to go back over some of what had been said on September 4 and also turned to other crimes. Porter implicated himself in various ways in several of the crimes charged in this indictment during that conversation.

The next and last meeting was on September 13. This time, the meeting was not in Rather's office, but in a conference room in the D.A.'s offices. Rather, Porter, Capers and Sofer had a brief conversation, about 15 minutes, in which Rather told Porter he *481 thought Porter had been lying by minimizing his involvement in two of the murders they had discussed, and that if he was going to lie about such fundamental details there was no point in continuing the conversation. When Porter insisted he was telling the truth, Rather left the room, leaving Capers and Sofer behind. After another 15 minutes or so, Rather called Capers out of the room, and Capers reported that Porter was sticking to his denials. At that point, believing no further information would be forthcoming, Rather arranged for detectives to come to arrest Porter for the murder of James Taylor.

At no time prior to this arrest on September 13 was Porter ever told or given any reason to believe that he was not free to leave, to come and go as he pleased, or to decide not to speak further to Rather or Capers. Finally, Porter was first indicted on the charges in this case on November 14, 1996.

The foregoing is largely not in dispute. There are, however, two significant facts argued by the parties. First, Porter claims that, during their first conversation on August 29 (prior to the Chelsea Piers meeting), Porter asked Capers whether he would act as his attorney during the conversations with Rather. Capers denies ever making such a promise. The Court finds that no such promise was made. Capers was working for the D.A.'s office; he told Porter this, and this Court so finds. Even though Porter disputes this fact, he admits that Capers referred to himself as an "investigator," referred to his "colleagues" in the D.A.'s office, took Porter to his office in the D.A.'s building one floor below Rather, and that Porter saw his credentials as an investigator while he was in Capers's office. There was, at least, no apparent attempt on Capers's part to hide his association with the D.A.'s office. It is so implausible that anyone would believe an investigator for the District Attorney would act as an attorney for a criminal suspect, or that a suspect with Porter's experience with the criminal justice system would entrust his legal representation to an employee of the D.A., that this Court finds it incredible that Capers, even if he were inclined to employ some sort of ruse to get Porter to talk, would think that this particular ruse could work. This Court finds that neither Capers nor any other government agent represented to Porter that they would act as his attorney.

Second, Porter claims that Rather and Capers promised him that anything he said would be "off the record" and would not be used against him--in effect, granting Porter use immunity. Rather and Capers claim no such promise was made. Rather did tell Porter that the purpose of the discussions would be for him to understand Porter better and to get background on their investigation; not surprisingly, Rather did not tell Porter that he was attempting to elicit information from Porter to use in a possible criminal case against him. Rather also did represent to Porter at the September 4 meeting that the conversation was not being recorded--a true statement--but did not make this representation on subsequent days. Even if it were reasonable for Porter to believe that this meant none of the sessions would be recorded, a promise not to record the conversation is in no way a promise that

the information being told to the D.A. would not be used against him. Finally, as for Capers, he did tell Porter that if he were to become a cooperating witness he could possibly get something in return, but this Court finds that he never promised Porter immunity in return for speaking with the D.A.'s office. In sum, this Court finds that no promise of immunity was ever made.

DISCUSSION

The Court now turns to the legal significance of these facts. Preliminarily, the Court notes that, as conceded by Porter, prior to his arrest on September 13 he was not in custody; therefore, he was not entitled to Miranda warnings. See, e.g., *Neighbour v. Covert*, 68 F.3d 1508, 1510 (2d Cir.1995). Nor had he yet been charged with any crimes, so his Sixth Amendment right to counsel had not attached. See, e.g., *United States v. Kon Yu-Leung*, 910 F.2d 33, 37 (2d Cir.1990).

[1][2][3][4] This of course does not end the inquiry, for a confession may still be deemed involuntary, such that the Fifth Amendment forbids its introduction at trial, if "an examination *482 of all the circumstances discloses that the conduct of law enforcement officials was such as to overbear [the defendant's] will to resist and bring about confessions not freely self-determined." *United States v. Mitchell*, 966 F.2d 92 (2d Cir.1992) (internal quotations omitted). Impermissible conduct includes not only force and threats of force, see *Arizona v. Fulminante*, 499 U.S. 279, 287, 111 S.Ct. 1246, 1252-53, 113 L.Ed.2d 302 (1991), but the Second Circuit has also noted that "material misrepresentations based on unfulfillable or other improper promises might perhaps overbear a defendant's will." *United States v. Ruggles*, 70 F.3d 262, 265 (2d Cir.1995). In making this determination, the Court must consider "the totality of all the surrounding circumstances," *id.* at 264-65 (quoting *Schneckloth v. Bustamonte*, 412 U.S. 218, 226, 93 S.Ct. 2041, 2047, 36 L.Ed.2d 854 (1973)), including Porter's "background and experience, the conditions of his interrogation and the conduct of the law enforcement officers." *Ruggles*, 70 F.3d at 265. However, at a minimum, there must be some element of police misconduct giving rise to the confession in order to find a confession involuntary. See *Colorado v. Connelly*, 479 U.S. 157, 164, 107 S.Ct. 515, 520, 93 L.Ed.2d 473 ("Absent police conduct causally related to the confession, there is simply no basis for concluding that any state actor has deprived a criminal of his due process of law."). The burden is on

the government to establish the voluntariness of a confession by a preponderance of the evidence. See *United States v. Anderson*, 929 F.2d 96, 99 (2d Cir.1991).

There is simply no such misconduct here. There is, first of all, no claim that the police used physical force, threats, or in any way mistreated Porter; to the contrary, Porter was placed in a hotel for approximately two weeks and given money for expenses. In addition, the Court has already noted that it finds that the government has shown by a preponderance of the evidence that no government agent promised Porter immunity from prosecution or that his statements would not be used against him. Rather did represent to Porter that he was not being recorded on September 4, but this was in fact true, and Rather made no such representations on the days he did record the statements. Finally, the government has shown by a preponderance of the evidence that Capers made no representation to Porter that he would act as his attorney. [FN1]

FN1. The Court notes that the Second Circuit has held that "to prevail on a claim of trickery and deception, [a defendant] 'must produce clear and convincing evidence that the agents affirmatively misled [him] as to the true nature of their investigation.'" *Mitchell*, 966 F.2d at 100 (quoting *United States v. Okwumabua*, 828 F.2d 950, 953 (2d Cir.1987)). This Court need not decide to what extent this clear and convincing burden applies to Porter, since the Court is convinced that a preponderance of the evidence supports the position that no such trickery and deception occurred here.

[5][6] We are left, then, with only two representations by the government that could possibly form the basis of a claim of misconduct. The first is the representation by Capers to Porter that he was likely to be indicted, and that in his experience the earlier one expressed willingness to cooperate with the government the better a deal a defendant might get. The Court has found that Capers did not promise Porter a cooperation agreement, but only talked in general terms about the benefits of cooperation. There is nothing improper in this conduct. The government is free to tell a suspect the benefits of cooperation, see, e.g., *Ruggles*, 70 F.3d at 265; *United States v. Bye*, 919 F.2d 6, 9-10 (2d Cir.1990), as long as "the characteristics of the suspect and the conduct of the law enforcement officials do not otherwise suggest that the suspect could not freely and independently decide whether to cooperate or remain silent." *United States v. Guarno*, 819 F.2d 28, 31 (2d Cir.1987).

Cir.1987). There is nothing to suggest such a result in the encounter between Porter and Capers, and thus there was nothing improper about Capers's discussion of this point.

[7] The second possible basis for finding misconduct were the discussions by Rather and Capers with Porter about the safety of Porter and his family, and the statements by them which suggested that if Porter were to become a cooperating witness, his family could be given protection. While it is true *483 that a confession induced by a credible threat of physical violence to the suspect, combined with a government promise of protection conditioned upon the suspect's confession, can be considered involuntary, see *Fulminante*, 499 U.S. at 287, 111 S.Ct. at 1252-53, the discussions in this case do not rise to the level seen in *Fulminante*. To begin with, the threat to Porter's safety (if any) stemmed from his alleged co-conspirators; government agents played no part in creating the danger. Second, Rather and Capers never suggested that the police would refuse to protect him and his family if he did not confess. Instead, they were doing two things: first, informing Porter of one of the possible benefits of cooperation (i.e., getting off the street and out of danger), and second, allaying any possible fear that if Porter should choose to become a cooperator, his family would be subject to recriminations from his alleged co-conspirators. As noted earlier, there is nothing improper in spelling out for a suspect the benefits that could flow from his cooperation.

The Court can therefore find no government misconduct upon which a claim of involuntariness could rest. However, even if any of the above conduct were deemed improper, at least for purposes of satisfying Connelly, under the totality of the circumstances the Court finds that the government has met its burden of showing that Porter's will was not overborne and that his confession was therefore voluntary. Porter had substantial experience with the criminal justice system, having been arrested several times before. He testified that he had been read his Miranda rights on these occasions and that he understood what those rights were. He also stated that he understood that Rather was an Assistant District Attorney conducting a criminal investigation. Porter knew he was under no obligation to confess involvement in criminal activity to Rather. He did so because he chose to focus, perhaps unwisely, on the possibility that cooperation with the D.A.'s office would pay off in some way to the exclusion of carefully considering whether he had received any

promise that his confessions would not be used against him. In short, Porter heard what he wanted to hear. There is little doubt that Rather and Capers chose their words and actions carefully in an attempt to capitalize on Porter's desire to extricate himself from the possibility of arrest and conviction, but they did not act improperly in doing so. The choice to speak was at all times Porter's. There is, then, no basis for suppression of his statements.

CONCLUSION

For the foregoing reasons, the Court denies Porter's motion to suppress his statements as involuntary.

SO ORDERED.

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CLINTON LIBRARY PHOTOCOPY

Daniel SILVERMAN, Regional Director for Region
2 of the National Labor
Relations Board, for and on behalf of the National
Labor Relations Board,
Petitioner,

v.

MAJOR LEAGUE BASEBALL PLAYER
RELATIONS COMMITTEE, INC. and the
Constituent
Member Clubs of Major League Baseball,
Respondents.

No. 95 Civ. 2054(SS).

United States District Court,
S.D. New York.

April 3, 1995.

National Labor Relations Board (NLRB) sought temporary injunction under National Labor Relations Act pending final disposition of unfair labor practice charges against baseball owners before Board. The District Court, Sotomayor, J., held that: (1) Board had reasonable cause to believe that baseball owners committed unfair labor practices both by eliminating free agency system and salary arbitration provisions of expired collective bargaining agreement, and (2) harm to the public, players, and Board compelled issuance of temporary injunction.

So ordered.

[1] LABOR RELATIONS ⇨518
232Ak518

Provision of NLRA authorizing district courts to grant temporary injunctions pending outcome of unfair labor practice proceedings before National Labor Relations Board (NLRB) reflects Congress' recognition that, absent injunctive relief, NLRB's often lengthy administrative proceedings could allow unfair labor practice to go unchecked and thereby render final NLRB order ineffectual. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[2] LABOR RELATIONS ⇨178
232Ak178

Under NLRA, mandatory subjects of collective bargaining are those encompassed in the phrase "wages, hours, and other terms and conditions of employment," while permissive subjects are all other matters. National Labor Relations Act, as amended, 29 U.S.C.A. § 158(d).

[3] LABOR RELATIONS ⇨177

232Ak177

Mandatory subjects of collective bargaining under NLRA require parties to bargain in good faith, whereas no such requirement adheres to permissive subjects of collective bargaining. National Labor Relations Act, § 8(d), as amended, 29 U.S.C.A. § 158(d).

[3] LABOR RELATIONS ⇨179

232Ak179

Mandatory subjects of collective bargaining under NLRA require parties to bargain in good faith, whereas no such requirement adheres to permissive subjects of collective bargaining. National Labor Relations Act, § 8(d), as amended, 29 U.S.C.A. § 158(d).

[4] LABOR RELATIONS ⇨393

232Ak393

Under NLRA, unilateral change in provision of expired collective bargaining agreement involving mandatory subject of collective bargaining, such as one involving wages, is unfair labor practice because it violates the duty to bargain collectively in good faith. National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.

[5] LABOR RELATIONS ⇨395.9

232Ak395.9

Striking is not violation of the collective bargaining process because parties may legitimately exert pressure through use of such economic weapons.

[6] LABOR RELATIONS ⇨261

232Ak261

Provision of expired collective bargaining agreement involving mandatory subject of collective bargaining survives only until the parties reach new agreement or until parties bargain in good faith to impasse; policy behind this rule of retaining mandatory terms of expired agreement is that it will be more effective in promoting peaceful negotiations than rule allowing change in the status quo during critical bargaining period.

[7] LABOR RELATIONS ⇨518

232Ak518

Federal district court's responsibility in resolution of petition for temporary injunction pending outcome of unfair labor practice proceedings before National Labor Relations Board (NLRB) is to consider whether

there is reasonable cause to believe that respondent has violated NLRA and whether temporary injunctive relief is just and proper. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[8] LABOR RELATIONS ⇨518
232Ak518

In reviewing National Labor Relations Board's (NLRB) determination that there is reasonable cause to believe that respondent has violated NLRA, federal district court must give appropriate deference to specialized knowledge of the Board and thus, court should give regional director's version of the facts the benefit of the doubt; indeed, Board's view of the facts should be sustained unless court is convinced that it is wrong. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[9] LABOR RELATIONS ⇨506
232Ak506

Determining what are mandatory topics of collective bargaining is at heart of National Labor Relations Board's (NLRB) functions.

[10] LABOR RELATIONS ⇨679.1
232Ak679.1

National Labor Relations Board's (NLRB) legal determination that violation of the duty to collectively bargain has occurred should be upheld unless Board reached its position by either failing to apply the correct legal standard or by misconstruing plain language of the correct standard; made determination so fundamentally inconsistent with structure of NLRA that its decision can be viewed as attempt to usurp major policy decisions by Congress; or is attempting to move into area of regulation which Congress has not committed to it. National Labor Relations Act, § 8(d), as amended, 29 U.S.C.A. § 158(d).

[11] LABOR RELATIONS ⇨518
232Ak518

Decision to issue temporary injunction pending outcome of unfair labor practice proceedings before National Labor Relations Board (NLRB) lies within sound discretion of federal district court and the decision to exercise this discretion is guided by general rules of equity. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[12] INJUNCTION ⇨4
212k4

"Mandatory injunction" requires party to take certain affirmative steps while "prohibitory injunction" requires party to desist from doing certain acts in

order preserve the status quo.

See publication Words and Phrases for other judicial constructions and definitions.

[12] INJUNCTION ⇨5
212k5

"Mandatory injunction" requires party to take certain affirmative steps while "prohibitory injunction" requires party to desist from doing certain acts in order preserve the status quo.

See publication Words and Phrases for other judicial constructions and definitions.

[13] INJUNCTION ⇨138.1
212k138.1

General standard for injunction requires that movant prove irreparable harm and either likelihood of success on the merits or substantial question going to the merits as to make them fair ground for litigation, together with balance of hardships tipping decidedly toward movant.

[14] LABOR RELATIONS ⇨176
232Ak176

Statutory right under NLRA to join collective bargaining units belongs to employees and not to employers and thus, term "employer union" for collective bargaining purposes is not meaningful; the only reciprocal statutory right NLRA imposes on employers and employees is that they bargain with the other in good faith. National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.

[15] LABOR RELATIONS ⇨176
232Ak176

Extent of statutory protection for employer under NLRA is that it may select representative for purpose of bargaining free of coercion from labor union, but this right is not statutory right for group of employers to bargain collectively through one representative; although multiemployer bargaining units may be formed, National Labor Relations Board (NLRB) and union must consent to such formation. National Labor Relations Act, § 8(b)(1)(B), as amended, 29 U.S.C.A. § 158(b)(1)(B).

[16] LABOR RELATIONS ⇨176
232Ak176

Under NLRA, the valid interest in selection of baseball owners' own bargaining representatives did not trump baseball players' Section 7 right to have the status quo ante maintained on mandatory bargaining subjects during negotiations; interest was not a statutory right and it could be waived as owners had

done in collective bargaining agreement and cases addressing prohibitions upon union's waiver of its statutory rights to bargain collectively had no application to owners' rights or obligations to continue joint or individual employer bargaining system that had, through arms-length, good faith bargaining been put into place. National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.

[17] LABOR RELATIONS ⇨176
232Ak176

Maintaining reserve/free agency systems in the interim between collective bargaining agreements did not alter rights of baseball owners to have player relations committee, the collective bargaining representative for baseball owners, represent them for purposes of negotiating successor agreement or to continue to oppose inclusion of the systems in any successor agreement; if they successfully bargained, baseball owners could end free agency and salary arbitration systems, but what they could not do is alter particular individual's wages until system was changed by agreement or until parties negotiated to impasse.

[17] LABOR RELATIONS ⇨261
232Ak261

Maintaining reserve/free agency systems in the interim between collective bargaining agreements did not alter rights of baseball owners to have player relations committee, the collective bargaining representative for baseball owners, represent them for purposes of negotiating successor agreement or to continue to oppose inclusion of the systems in any successor agreement; if they successfully bargained, baseball owners could end free agency and salary arbitration systems, but what they could not do is alter particular individual's wages until system was changed by agreement or until parties negotiated to impasse.

[18] LABOR RELATIONS ⇨435
232Ak435

Salary arbitration for reserve baseball players was mandatory part of collective bargaining process between baseball players and owners.

[19] LABOR RELATIONS ⇨415
232Ak415

National Labor Relations Board's (NLRB) deferral to grievance arbitration under Collyer is appropriate only where parties have had long and productive relationship and no claim is made of enmity by employer to employees' exercise of protected rights.

[19] LABOR RELATIONS ⇨451
232Ak451

National Labor Relations Board's (NLRB) deferral to grievance arbitration under Collyer is appropriate only where parties have had long and productive relationship and no claim is made of enmity by employer to employees' exercise of protected rights.

[20] LABOR RELATIONS ⇨415
232Ak415

National Labor Relations Board's (NLRB) deferral to grievance arbitration under Collyer is inappropriate where there exists long list of actions which constitute attempts to coerce and restrain employees in exercise of their Section 7 rights and which constitute attempts to undermine position of union. National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.

[20] LABOR RELATIONS ⇨451
232Ak451

National Labor Relations Board's (NLRB) deferral to grievance arbitration under Collyer is inappropriate where there exists long list of actions which constitute attempts to coerce and restrain employees in exercise of their Section 7 rights and which constitute attempts to undermine position of union. National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.

[21] LABOR RELATIONS ⇨455
232Ak455

"Interest arbitration" concerns disputes over terms of new or renewal contracts whereas "rights arbitration" is for disputes over interpretation or application of contract.

See publication Words and Phrases for other judicial constructions and definitions.

[22] LABOR RELATIONS ⇨178
232Ak178

Interest arbitration clauses are nonmandatory topic of collective bargaining because they involve mechanism for resolving disputes which may arise as to terms of future contracts, as opposed to existing terms and conditions of employment.

[23] LABOR RELATIONS ⇨433
232Ak433

Salary arbitration clause in expired collective bargaining agreement between baseball players and owners was not a traditional interest arbitration clause, which concerns disputes over terms of new or

renewal contracts and which are nonmandatory topic of bargaining; new future contractual obligations were not being created by the salary arbitrator because, by time player and owner went to salary arbitration, uniform player's contract had already been entered into by the parties and only item missing from executed contract was dollar amount and arbitrator's task was to fill in the blank where salary figure went.

[24] LABOR RELATIONS ⇨261
232Ak261

Interest arbitration clauses can survive expiration of collective bargaining agreements where the clauses are so intertwined with and inseparable from mandatory terms and conditions for contract currently being negotiated as to take on characteristics of the mandatory subjects themselves.

[25] LABOR RELATIONS ⇨178
232Ak178

Even if salary arbitration clause contained in expired collective bargaining agreement between baseball owners and players was an interest arbitration clause and, as such, a nonmandatory topic of bargaining, it survived expiration of agreement because clause was so intertwined with and inseparable from mandatory terms and conditions for the contract currently being negotiated as to take on the characteristics of the mandatory subjects; result of collective bargaining was not to stop talking in the future about dispute, but recognition that the best continuing process for parties to establish wages was in arbitration and in this situation, salary arbitration was a current term of employment.

[26] LABOR RELATIONS ⇨518
232Ak518

National Labor Relations Board (NLRB) had reasonable cause to believe that baseball owners engaged in unfair labor practices by eliminating free agency system and salary arbitration provisions of expired collective bargaining agreement between owners and players so as to warrant issuance of temporary injunction pending outcome of unfair labor practice proceedings before Board. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[27] LABOR RELATIONS ⇨518
232Ak518

Public interest alone justified issuance of temporary injunction pending outcome of unfair labor practice proceedings against baseball owners before National

Labor Relations Board (NLRB); strike was about whether baseball players and owners would resolve their differences, but also about how principles embodied by federal labor law operated, strike had placed the entire concept of collective bargaining on trial in a very real and immediate way, it was critical that Board ensure that spirit and letter of federal labor law were scrupulously followed, and if Board was unable to enforce NLRA, public confidence in collective bargaining process would be permanently and severely undermined. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[28] LABOR RELATIONS ⇨518
232Ak518

Harm to the public, players, and National Labor Relations Board (NLRB) compelled issuance of temporary injunction pending outcome of unfair labor practice proceedings against baseball owners before Board; issuing injunction before opening day was important to ensure that symbolic value of that day was not tainted by unfair labor practices and Board's inability to take effective steps against its perpetration, returning parties to the status quo would permit them to salvage some of the important bargaining equality that existed before unfair labor practices were committed, and the resulting injury to the players was not merely lost wages which could be compensated through damages. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

[29] LABOR RELATIONS ⇨178
232Ak178

Protections of NLRA extend to nonmonetary bargaining topics that are terms and conditions of employment. National Labor Relations Act, § 8(d), as amended, 29 U.S.C.A. § 158(d).

[30] LABOR RELATIONS ⇨518
232Ak518

Pursuant to NLRA section authorizing federal district court to grant temporary injunction pending outcome of unfair labor practice proceedings before National Labor Relations Board (NLRB), injunction would be issued directing baseball owners to restore terms and conditions of employment provided under expired collective bargaining agreement with players, including free agency/reserve systems with salary arbitration for eligible reserve players, and to bargain in good faith without unilateral changes to the agreement. Injunction would remain in effect until either players and owners entered into new collective bargaining agreement or final disposition of matters pending before NLRB or finding of district court that

impasse in good faith bargaining had occurred. National Labor Relations Act, § 10(j), as amended, 29 U.S.C.A. § 160(j).

*249 The National Labor Relations Bd. Region Two, New York City, Fred L. Feinstein, General Counsel, Daniel Silverman, Regional Director, Donald B. Zavelo, Ian M. Penny, of counsel, for petitioner.

Morgan, Lewis & Bockius, Washington, DC, Francis L. Casey, III, Lisa Klein Wager, New York City, of counsel, for respondent.

Charles O'Connor, General Counsel, Major League Baseball Player Relations Committee, New York City, Bredhoff & Kaiser, Washington, DC, George H. Cohen, Virginia A. Seitz, of counsel, McGuire, Kehl & Nealon, LLP, New York City, Harold F. McGuire, Jr., of counsel, for Major League Baseball Players Ass'n.

***250 AMENDED OPINION AND ORDER [FN1]**

FN1. At the hearing held on this matter on March 31, 1995, I rendered an Opinion issuing an injunction in this case based on the skeletal outline of my reasoning contained in the transcript of the hearing. This Amended Opinion represents a more detailed version of my original Opinion which I had indicated to the parties would be forthcoming.

SOTOMAYOR, District Judge.

This is an action brought by Petitioner, Daniel Silverman, the Regional Director for Region 2 of the National Labor Relations Board (the "Board" or "NLRB"), seeking a preliminary injunction under Section 10(j) of the National Labor Relations Act (the "Act" or "NLRA"), as amended 29 U.S.C. §§ 151-169 (1988), pending the final disposition of charges presently before the Board. Respondents in this action are the Major League Baseball Player Relations Committee, Inc. (the "PRC"), the collective bargaining representative for the twenty-eight (28) Major League Clubs (collectively the "Owners").

The Major League Baseball Players Association (the "Players") is the collective bargaining unit for the forty-person rosters of each of the Major League Clubs. On March 15, 1995, on the basis of charges filed by the Players, the Board issued a Complaint and Notice of Hearing alleging, inter alia, that the Owners had violated Sections 8(a)(1) and (5) of the Act by unilaterally eliminating, before an impasse had been reached, salary arbitration for certain reserve players.

competitive bargaining for certain free agents, and the anti-collusion provision of their collective bargaining agreement, Article XX(F). After the Board concluded that there was reasonable cause to believe that a violation of the Act had occurred and that injunctive relief was just and proper, it filed this Petition on March 27, 1995. The Board, the Owners, and the Players, who were permitted to participate in this action, thereafter filed papers in support of their respective arguments.

During a telephone conference with me on March 30, 1995, all parties agreed that the only issues before the Court were questions of law and that no witnesses would be necessary at the hearing to be held on March 31, 1995. Having reviewed all of the submissions of the parties and having given them a full opportunity to be heard, I have concluded that the Board has reasonable cause to believe that the Owners have committed an unfair labor practice, and that an injunction is just and proper to avoid irreparable injury and to ensure that the Owners and Players continue bargaining, in good faith, until the resolution of their disputes, or a genuine impasse untainted by the unfair labor practices, or the determination by the NLRB of the charges before it, whichever occurs earliest.

FACTS

I recognize that baseball purists will wince at my simplified explanation of the very complex relationship between the Owners and Players which has evolved since 1966 in their collectively bargained Basic Agreements. Similarly, others will be disappointed by my cursory description of the prolonged negotiations between the parties. The purpose of my recitation here, however, is only to highlight the facts giving rise to the central issues before me.

The most recent Basic Agreement between the parties extended from January 1990 through December 1993. The Agreement covered a multitude of employment terms and conditions. The pertinent provisions of the Agreement to the issues before me involve the Agreement's reserve and free agency systems. Essentially, the free agency system permits players who have completed six major-league playing seasons to set their wages with individual owner clubs. See Basic Agreement, Article XX(B), attached as Ex. D to Pet'r Mem.P. & A.Supp.Pet.Prelim.Inj. The anti-collusion provision of the Basic Agreement, Subsection F of Article XX, provides, in relevant

part, that the wage process between the free agent individual player and club owner

is an individual matter to be determined solely by each Player and each Club for his or its own benefit. Players shall not act in concert with other Players and the Clubs shall not act in concert with other Clubs.

*251 The Basic Agreement also limits the number of free agents in two top performance categories that each club may sign. *Id.* at Article XX(B)(5). Once a player with six years or more seasons of play (hereinafter a "six-plus player") has exercised his right to become a free agent, he must play an additional five years in the Major League before he is again eligible for free agency. *Id.* at Article XX(D)(1).

With respect to reserve players, i.e., those with less than six years of experience, there is a standard agreement called the Uniform Player's Contract ("UPC"). The UPC, which is incorporated into the Basic Agreement, is a boilerplate contract whose execution essentially requires the parties only to fill in the blanks with information such as the player's name, the club's name, and the dollar amount of salary agreed upon. The Basic Agreement sets the minimum salary for a player's first-year contract. At the end of that first year, an owner may tender a player an additional year's contract in an offer under terms whose parameters are dictated by the Basic Agreement. If the player refuses the offer, the owner is entitled to "reserve" the player's services and the player is not permitted to play for other teams. An owner may only reserve a player once under this system.

All players with more than three but less than six years of play are eligible for salary arbitration. [FN2] If an owner and player cannot agree to a salary figure, either may insist, without the consent of the other, that the figure be set in salary arbitration. Under this process, the owner and the player sign a UPC and each submits a salary figure to an arbitrator. See Basic Agreement, Article VI(F). The arbitrator then picks one of the two submitted figures using evaluation criteria set forth in the Basic Agreement including comparison with figures for performance comparable free agents. The arbitrator has no authority to pick a number that she or he believes is more equitable than the numbers submitted by the parties. *Id.* Any salary dispute, regardless of the seniority of the player, may also be submitted to arbitration but only if both parties consent. *Id.* at

VI(F)(1).

FN2. Players with between two and three years of play are eligible for salary arbitration if, in comparison to other two to three year players, they rank in the top 17% in terms of total number of days played. See Basic Agreement, Article VI(F)(1).

Those players with less than six playing seasons and others who have not become free agents remain "reserved" to their individual clubs under the Basic Agreement. Essentially, a reserve player may become a free agent if the club breaches his UPC by, for example, failing to paying him; or if the club does not tender him a contract; or if the club terminates the player for poor performance or failure to remain in good physical condition. See Basic Agreement, Article XX(A)(2). The Basic Agreement sets forth minimum wages and other benefits for the reserved players but permits them and their clubs to mutually agree to compensation above the minimums.

The most recent Basic Agreement expired on December 31, 1993. The Players and Owners collectively began negotiations for a new agreement in March 1994. The 1994 baseball season commenced in April 1994, under the full terms of the expired Agreement, including the entry by individual clubs into free agent contracts and salary arbitrations for eligible reserve players. Thus, collective bargaining over the future relationship of owners and players continued simultaneously with individual clubs and players engaged in their contractual mechanisms of free agency and salary arbitration to set wages.

Despite ongoing negotiations over the terms of a new agreement with an exchange of proposals, on August 12, 1994, the Players commenced a strike. Thereafter, the parties, sometimes at their own initiation and other times with the prodding of mediators, continued to discuss proposals for a successor collective bargaining agreement.

I need not describe the minute details of the various proposals discussed. Sufficient for my purpose here is that the Owners desired a "salary cap" with elimination of the salary arbitration system and a more restricted free agency system. The Players objected to a salary cap but, in order to accommodate the Owners' concern about escalating *252 club payrolls, counterproposed a tax system on high-paying clubs to deter extravagant wage offers. Subsequent proposals between the parties centered on discussions concerning the appropriate tax rates and the payroll

thresholds above which clubs would be taxed.

On December 22, 1994 the Players submitted a new tax proposal. That same day, the Owners announced that the figures set forth in the new tax proposal were unacceptable, and declared an impasse without making a counterproposal as requested by the then mediator. The Owners also announced that they would immediately and unilaterally impose a salary cap and eliminate salary arbitration. The Owners made no mention of ending free agency rights or the anti-collusion provision of the Basic Agreement. At no time prior to the Owners' unilateral changes had the Players declared an impasse.

Thereafter, cross-charges of unfair labor practices were filed with the Board by the Players and Owners. Even though the Owners had announced the existence of an impasse, negotiations between the parties continued in January 1995. On February 3, 1995, the Owners advised the Board that they had rescinded their previous unilateral changes to the Basic Agreement and that they would continue to negotiate with the Players. Because of the Owners' advice, the Board, also on February 3, stayed its then proceedings.

On February 6, 1995, however, the Owners, by way of letter, informed the Players that:

[u]ntil such time as the [Owners' and Players' bargaining units] ratify a new collective bargaining agreement or until further notice, individual Major League Clubs shall have no authority to negotiate terms and conditions of employment (or any element thereof) with the [Players' Union] or individual players or certified agents. The [Players' Union] is now on notice that individual Clubs are not authorized to negotiate or execute individual player contracts with bargaining unit players during the pendency of collective bargaining between [the Owners' and Players' bargaining units].

Affidavit of Charles P. O'Connor, sworn to March 29, 1995 ("O'Connor Aff."), at Ex. 2.

Also on February 3, an attorney for the owners advised the Owner Clubs that "individual club/player bargaining" and salary arbitration were permissive topics of collective bargaining and that the anti-collusion provision of the Basic Agreement did not impede the Owners' bargaining representatives from negotiating terms for individual free agent contracts or reserve player salaries.

Discussions between representatives of the Owners

and Players continued again despite renewed activity before the Board, its issuance of the Complaint and Notice of Hearing, and the filing of this Petition. In fact this week, the Baseball Commissioner on behalf of the Owners set forth another bargaining proposal. On March 29, 1995, the Players offered to return to work under the full terms of the expired Basic Agreement and have indicated to the Court that they will return to play baseball if an injunction issues restoring the status quo terms of the expired Basic Agreement. Absent an injunction, opening season, with replacement players, was scheduled to start on April 2, 1995.

DISCUSSION

Recognizing that the flow of commerce is "substantially burden[ed]" by the "inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association," Congress in 1935 passed the National Labor Relations Act. NLRA § 1, 29 U.S.C. § 151. In the first section of the Act, Congress expressed its hope that commerce would thrive if the right of employees to "organize and bargain collectively" was legally protected, thereby removing sources of "industrial strife and unrest." *Id.* The National Labor Relations Board, the governmental body that implements the Act, is empowered "to prevent any person from engaging in any unfair labor practice...." NLRA § 10(a), 29 U.S.C. § 160(a). Assisted by Regional Offices, the Board investigates charges of unfair labor *253 practices, and upon a finding of a meritorious charge, may issue a complaint. Complaints are heard by an Administrative Law Judge ("ALJ"), after which the Board reviews the ALJ's findings of fact and recommendations of disposition and conducts its own hearing if it chooses.

[1] Provision 10(j) of the Act authorizes district courts to grant temporary injunctions pending the outcome of unfair labor practice proceedings before the Board. 29 U.S.C. § 160(j). Provision 10(j) reflects Congress's recognition that, absent injunctive relief, the Board's often lengthy administrative proceedings could allow an unfair labor practice to go unchecked and thereby render a final Board order ineffectual. *Kaynard v. Palby Lingerie, Inc.*, 625 F.2d 1047, 1055 (2d Cir.1980); see also *Eisenberg v. Lenape Products, Inc.*, 781 F.2d 999, 1006 (3d Cir.1986) (Becker, J., dissenting) (average unfair labor practice grievance takes NLRB 15 months to

adjudicate) (citing *Kobell v. Suburban Lines*, 731 F.2d 1076, 1094 n. 32 (3d Cir.1984)).

In the matter before me, the NLRB has charged the Owners with violating §§ 8(a)(1) & (5) of the Act, [FN3] that is, of violating the duty to bargain collectively in good faith with the Players. The duty to bargain collectively is defined in § 8(d) as the "mutual obligation of the employer and the representative of the employees to ... confer in good faith with respect to wages, hours, and other terms and conditions of employment...." 29 U.S.C. § 158(d).

FN3. Section 8(a) provides:

It shall be an unfair labor practice for an employer--
(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 [section 7 enumerates "Rights of Employees"]; ...
(5) to refuse to bargain collectively with the representatives of his employees....

[2][3] The potential subject matter of parties engaged in collective bargaining has been divided by the Supreme Court into two categories: mandatory and permissive subjects of bargaining. See *N.L.R.B. v. Wooster Div. of Borg Warner Corp.*, 356 U.S. 342, 349, 78 S.Ct. 718, 722, 2 L.Ed.2d 823 (1958). Mandatory subjects are those encompassed in Section 8(d) in the phrase "wages, hours, and other terms and conditions of employment," while permissive subjects are all other matters. *Id.* The distinction between mandatory and permissive subjects of bargaining is crucial in labor disputes, because it determines to what extent one party may compel the other to bargain over a given proposal: mandatory subjects require the parties to bargain in good faith, whereas no such requirement adheres to permissive subjects. It is not always obvious whether or not a provision relates to "wages, hours, and other terms and conditions of employment," and the mandatory/permissive distinction is the subject of much caselaw.

[4][5][6] The distinction between mandatory and permissive subjects of bargaining is also important upon expiration of a collective bargaining agreement, in the period before the parties have instituted a successor agreement. During the interim between agreements, the Supreme Court has held, the parties must honor the terms and conditions of the expired contract that involve mandatory subjects of bargaining, at least until the parties reach a good faith impasse. *N.L.R.B. v. Katz*, 369 U.S. 736, 82 S.Ct. 1107, 1113, 8 L.Ed.2d 230 (1962). A unilateral

change of an expired provision on a mandatory topic, such as one involving wages, is an unfair labor practice, as it violates the duty to bargain collectively in good faith. [FN4] The provision of the expired agreement survives only until the parties reach a new agreement or until the parties bargain in good faith to impasse. The policy behind the rule retaining the mandatory terms of the expired agreement is that it will be more effective in promoting peaceful negotiations than a rule allowing a change in the status quo during the critical bargaining period. See, e.g., *Laborers Health & Welfare Trust v. Advanced Lightweight Concrete Co.*, 484 U.S. 539, 544 n. 6, 108 S.Ct. 830, 833 n. 6, 98 L.Ed.2d 936 *254 (1988) ("Freezing the status quo ante after a collective agreement has expired promotes industrial peace by fostering a non-coercive atmosphere that is conducive to serious negotiations on a new contract").

FN4. I note that striking is not a violation of the collective bargaining process; parties may legitimately exert pressure through the use of such economic weapons. See, e.g., *Brown v. Pro Football, Inc.*, 50 F.3d 1041, 1051 (D.C.Cir.1995).

In the matter before me, the Owners do not deny that they changed provisions in the expired contract; specifically, that they revoked the salary arbitration clause and eliminated section XX(F), the free agency anti-collusive provision. The Owners assert, however, that their changes were allowed because the provisions concerned a statutorily permissive topic, i.e., who would collectively bargain for them over free agent and reserve player salaries. The NLRB maintains that the Owners' changes involved mandatory subjects, and the Owners thereby committed an unfair labor practice by undermining the collective bargaining process. The NLRB petitions this court for injunctive relief.

[7] My responsibility in the resolution of the 10(j) petition is to consider: (1) whether there is "reasonable cause to believe" that the respondent has violated the Act and (2) whether temporary injunctive relief is "just and proper." See, e.g., *Kaynard v. MMIC, Inc.*, 734 F.2d 950, 953 (2d Cir.1984). In other words, I must decide whether the NLRB had "reasonable cause to believe" that the unilateral changes made by the Owners were to mandatory provisions, [FN5] and, if I uphold the Board's determination, I must then consider whether injunctive relief is just and proper. The standards for reasonable cause to believe and just and proper are as follows.

FN5. In their papers, the Owners seemed to argue that they had bargained to impasse and that therefore, they were allowed to unilaterally change even mandatory terms. The Owners abandoned that position at Oral Argument, and admitted that an impasse had not been reached. I therefore need not address the NLRB's finding that the parties had not reached impasse.

The Standard for Reasonable Cause

[8] In reviewing a reasonable cause determination by the Board, a district court must give "appropriate deference" to the specialized knowledge of the Board. *Silverman v. 40-41 Realty Assocs., Inc.*, 668 F.2d 678, 681 (2d Cir.1982) (citations omitted). Thus, the district court should give the Regional Director's version of the facts "the benefit of the doubt." *Seeler v. The Trading Port, Inc.*, 517 F.2d 33, 37 (2d Cir.1975) (citation omitted). Indeed, the Board's view of the facts should be sustained "unless the court is convinced that it is wrong." *Palby*, 625 F.2d at 1051 (citing *Danielson v. Int'l Organization of Masters, Mates & Pilots*, 521 F.2d 747, 751 (2d Cir.1975)); see also *Kaynard v. Mego Corp.*, 633 F.2d 1026, 1031 (2d Cir.1980) (reasonable inferences drawn in favor of charging party).

[9] The Second Circuit has further recognized the expertise of the Board by holding that even on issues of law, district courts should be "hospitable" to the views of the Board. *Mego Corp.*, 633 F.2d at 1031 (citations omitted). Moreover, determining what are mandatory topics of bargaining is "at the heart of the Board's functions." *Toledo Typographical Union v. N.L.R.B.*, 907 F.2d 1220, 1222 (D.C.Cir.1990); see also *Olivetti Office U.S.A., Inc. v. N.L.R.B.*, 926 F.2d 181, 185-86 (2d Cir.), cert. denied, 502 U.S. 856, 112 S.Ct. 168, 116 L.Ed.2d 132 (1991) (NLRB determination that bargaining issue is a mandatory term and condition under § 8(d) entitled to deference because of Board's expertise).

[10] An NLRB legal determination that a violation of § 8(d) has occurred should be upheld unless the Board (1) reached its position by either failing to apply the correct legal standard or by misconstruing the plain language of the correct standard; (2) made a determination so fundamentally inconsistent with the structure of the NLRA that its decision can be viewed as an attempt to usurp major policy decisions by Congress; or (3) is attempting to move into an area of regulation which Congress has not committed to it. *Ford Motor Co. v. NLRB*, 441 U.S. 488, 497-98 (1979).

S.Ct. 1842, 1849, 60 L.Ed.2d 420 (1979) (citations and quotations omitted).

The Standard for Just and Proper Relief

[11] Upon a finding of reasonable cause, a court determines whether the relief requested by the Board is "just and proper." *Mego Corp.*, 633 F.2d at 1030 (citations omitted). *255 The decision to issue an injunction under § 10(j) lies within the sound discretion of the district court. *Silverman v. Imperia Foods, Inc.*, 646 F.Supp. 393, 398 (S.D.N.Y.1986) (Sweet, J.) (citations omitted). The decision to exercise this discretion is guided by "general rules of equity." *40-41 Realty Assoc.*, 668 F.2d at 680. Because an injunction is an extraordinary remedy, the Second Circuit adheres to a stringent "irreparable injury" requirement when considering § 10(j) petitions. Compare *Mego Corp.*, 633 F.2d at 1034 n. 10 (rejecting suggestion that in 10(j) cases, a lower standard for injunctive relief applies) with *Pascarell v. Gitano Group, Inc.*, 730 F.Supp. 616, 620 (D.N.J.1990) (no showing of irreparable injury or likelihood of success on merits required under 10(j)).

[12][13] The Second Circuit has specifically found injunctive relief "just and proper" to (1) prevent irreparable injury to the party injured by the unfair labor practice, *Palby*, 625 F.2d at 1053; (2) restore or preserve the status quo that existed prior to the violation, *Mego Corp.*, 633 F.2d at 1033; (3) protect the Board's ability to issue a final remedy, *Morio v. North American Soccer League*, 632 F.2d 217, 218 (2d Cir.1980) (per curiam) (citations omitted); *Palby*, 625 F.2d at 1055 (same); or (4) protect the public interest in the collective bargaining process, *Seeler*, 517 F.2d at 40 (citations omitted) [FN6].

FN6. The Second Circuit has classified injunctions as mandatory or prohibitory. A mandatory injunction requires a party to take certain affirmative steps, while a prohibitory injunction requires a party to desist from doing certain acts in order to preserve the status quo. See *Abdul Wali v. Coughlin*, 754 F.2d 1015, 1025-26 (2d Cir.1985). The general standard for an injunction, requires that the moving party prove irreparable harm and either 1) a likelihood of success on the merits or 2) substantial question going to the merits as to make them a fair ground for litigation, together with a balance of hardships tipping decidedly toward the movant. For a mandatory injunction, the Second Circuit has articulated a higher standard that requires a moving party to make a clear showing of entitlement to relief and "extreme or very serious damage" from a denial of an injunction. Id.

The Supreme Court, however, has recently cast doubt upon the distinction between mandatory and prohibitive injunctions in labor situations:

[I]n borderline cases injunctive provisions containing essentially the same command can be phrased either in mandatory or prohibitory terms. Under a literal application of petitioners' theory, an injunction ordering the union: "Do not strike," would appear to be prohibitory and criminal, while an injunction ordering the union: "Continue working," would be mandatory and civil.

Int'l Union, United Mine Workers of America v. Bagwell, 512 U.S. 821, ---, 114 S.Ct. 2552, 2561, 129 L.Ed.2d 642 (1994) (citations omitted). For purposes of the instant petition, it does not matter whether the distinction between mandatory and prohibitive injunctions remains valid in labor disputes because I find that the Board's request meets the standards for both types of injunctions.

Applying these standards to the factual and legal arguments before me, I find as follows:

The Board has Reasonable Cause to Believe the Owners have Engaged in an Unfair Labor Practice

As noted, there is no dispute that on February 6, 1995, the Owners unilaterally changed certain provisions of the expired Basic Agreement; namely, they announced that the PRC, rather than the individual clubs, would negotiate individual players' free agency contracts, and that the salary arbitration rights of eligible reserve players were eliminated. My inquiry of whether the Board had reasonable cause to believe that the Owners committed an unfair labor practice hinges on whether I find reasonable cause for the Board's legal finding that the provisions at issue involved mandatory subjects of bargaining. If so, and if such relief is "just and proper," I must grant the injunction.

Collective bargaining in the context of professional sports presents issues different from most other contexts. On the one hand, the talent of an individual athlete can provide him with extraordinary bargaining power, but on the other hand, a player may sell his talent only to a circumscribed group of owners, who have something akin to monopoly power in the sport at issue. These circumstances in professional sports have given rise to the development of the reserve/free agency system, which, perhaps not surprisingly, is quite different from other models of collective *256 bargaining in less specialized and unique industries.

To look for guidance, then, in deciding whether

Board had reasonable cause for making its determination that the provisions changed by the Owners were mandatory, I find most helpful precedent that involves professional sports. Accord, *Wood v. Nat'l Basketball Ass'n*, 809 F.2d 954, 961 (2d Cir.1987) (collective bargaining between athletes and their leagues "raise[s] numerous problems with little or no precedent in standard industrial relations"). And in the sports context, courts have overwhelmingly held that the constituent parts of reserve/free agency systems are mandatory, not permissive, subjects of bargaining.

For example, this Circuit held in *Wood* that the agreement between professional basketball players and team owners "is a unique bundle of compromises," and matters such as salary caps, minimum individual salaries, fringe benefits, minimum aggregate team salaries, guaranteed revenue sharing, and first refusal provisions are all mandatory subjects of bargaining, as "[e]ach of them is intimately related to 'wages, hours, and other terms and conditions of employment.'" *Id.* at 961-62. Likewise, in *Mackey v. Nat'l Football League*, 543 F.2d 606, 615 (8th Cir.1976), cert. dismissed, 434 U.S. 801, 98 S.Ct. 28, 54 L.Ed.2d 59 (1977), the Eighth Circuit held that the Rozelle Rule, [FN7] even though it does not on its face deal with wages, hours, and other terms and conditions of employment, is a mandatory subject of bargaining because it "operates to restrict a player's ability to move from one team to another and depresses player salaries." See also, *Powell v. Nat'l Football League*, 930 F.2d 1293, 1298-99 (8th Cir.1989) (agreements establishing first refusal and compensation system are mandatory subjects).

FN7. The Rozelle Rule requires inter-team compensation when a player's contractual obligation to one team expires and he is signed by another.

I recognize that these precedents, which address the question of whether wage topics trump the antitrust laws, do not deal with the issue before me, i.e., the continuation of reserve and free agency systems in which individual owners competitively bid for players after the expiration of a collective bargaining agreement and pending the completion by Player and Owner representatives of negotiations over a successor agreement. The owners argue that the right to bid competitively or collectively must be a permissive topic of bargaining, because if it were a mandatory topic, the Owners would be forced to give up their statutory right to bargain collectively.

[14] Courts in addressing the antitrust area of law have easily recognized, however, that the essence of collective bargaining in professional sports is the establishment and maintenance of reserve and free agency systems in which owners agree to bid competitively for some players and collectively for others. The Owners' argument has a superficial appeal in its attempt to harken back to the unionizing cry of employees when they banded together to create this nation's labor laws. What the Owners have missed here, and the NLRB has not, is that the statutory right to join collective bargaining units belongs to employees, not to employers. The NLRA gives only employees the section 7 right to bargain collectively through an elected representative. The only reciprocal statutory right the Act imposes on employers and employees is that they bargain with the other in good faith. In other words, the term "employer union" for collective bargaining purposes is not meaningful.

[15] The extent of statutory protection for an employer is that it may select a representative for the purpose of bargaining free of coercion from a labor union. See NLRA § 8(b)(1)(B); 29 U.S.C. § 158. This right is not a statutory right for a group of employers to bargain collectively through one representative. In fact, while many multi-employer bargaining units, like the PRC, have been formed, the NLRB and the union must consent to the such formation. See, e.g., *NLRB v. Johnson Sheet Metal, Inc.*, 442 F.2d 1056, 1059 (10th Cir.1971) ("[t]he basic test of the appropriateness of a multi-employer bargaining unit is whether it was created with the approval, express or implied, of the parties").

*257 [16] The Owners' attempt to create reciprocal statutory rights to collective bargaining between Unions and Employer groups is simply a wrong presumption from which to start. Hence, any reliance on cases that address prohibitions upon a Union's waiver of its statutory rights to bargain collectively is misguided, as they have no application to an employer's rights or obligations to continue a joint or individual employer bargaining system that has, through arms-length, good faith bargaining, been put into place. As expressed in the Reply Brief of the NLRB, the "valid interest in the selection of [the Owners'] own bargaining representatives ... does not trump employees' Section 7 right to have the status quo ante maintained on mandatory bargaining subjects during negotiations." Reply Mem. at 11. An interest is not a statutory right. It can be waived. The Owners have done here in the Basic Agreement.

[17] Maintaining the reserve/free agency systems in the interim between collective bargaining agreements does not alter the rights of Owners to have the PRC represent them for purposes of negotiating a successor agreement or to continue to oppose the inclusion of the systems in any successor agreement. The Owners can, if they successfully bargain, end the free agency and salary arbitration systems, exclude the anti-collusion provision, and create an entirely new system. What they cannot do is alter particular individual's wages until the system is changed by agreement or until the parties negotiate to impasse. That is the nub of all wage negotiations which are inherently mandatory subjects of bargaining. It must be remembered that many employers are forced to continue sometimes onerous and debilitating wage obligations until the collective bargaining process runs its course, just as many employees may earn less than they would in a system that more closely duplicates the free market. Having freely entered into the free agency and reserve systems in their Basic Agreement, the Owners are bound to that system until they bargain in good faith to an impasse.

In view of the abundant caselaw in the professional sports context that has found that constituent parts of the reserve/free agency system are mandatory subjects of collective bargaining, I find that the Board had substantial reasonable cause to conclude, and a substantial likelihood of success ultimately in establishing, that the unilateral changes made by the Owners to the free agency system before impasse violated the rule against changes to mandatory subjects of bargaining. In summary, the Board has clearly met its injunctive remedy standard in demonstrating that the Owners committed an unfair labor practice by their unilateral abrogation of Article XX(F) and the free agency system.

[18][19][20] For substantially similar reasons, I find that salary arbitration for reserve players is also a mandatory part of the collective bargaining process between the Players and the Owners. The Owners argue that their salary arbitration system is indistinguishable from interest arbitration clauses, which are generally classified as permissive subjects of bargaining. Thus, the Owners contend, they have no statutory obligation to preserve salary arbitration until the formation of a new collective bargaining agreement. [FN8]

FN8. In their papers, the Owners argue I should defer to the resolution of a grievance arbitration filed

by the Players, which seeks a binding contract interpretation that would make all salary arbitration eligible players into free agents. See Owners' Mem. at 32. At oral argument, counsel for the Owners did not discuss this argument. The Court can see why. The Owners rely upon a line of cases based on the reasoning set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971). However, almost without exception, cases following *Collyer* have involved the NLRB deferring to grievance arbitration, rather than a district court deferring to arbitration when a Section 10(j) injunction is being sought. Moreover, deferral under *Collyer* is appropriate only where the parties have had "a 'long and productive' relationship and no claim was made of enmity by the employer to the employees' exercise of protected rights." *Baron Bros. Auto Group, Inc.*, 316 NLRB No. 103, 1995 WL 89300 at *18 (February 28, 1995) (quotation omitted). Deferral is inappropriate where there exists "a long list of actions which constitute attempts to coerce and restrain employees in the exercise of their Section 7 rights and which constitute attempts to undermine the position of [the] Local..." *Id.* Virtually the only issue the parties here do agree upon is that the relationship between the Players and the Owners has long been filled with animosity. The Owners, moreover, have failed to make any showing that deferral would likely resolve the unfair labor practices underlying the NLRB's petition.

*258 [21][22] The Second Circuit has recognized two basic types of arbitration in the labor context: interest arbitration and rights arbitration. *New York Typographical Union No. 6 v. Printers League Section of the Assoc. of the Graphic Arts*, 919 F.2d 3, 3 n. 2 (2d Cir.1990). Interest arbitration "concerns disputes over terms of new or renewal contracts." *Id.*; see also *Local 58, Int'l Brotherhood of Electrical Workers v. Southeastern Michigan Chapter, Nat'l Electrical Contractors Ass'n, Inc.*, 43 F.3d 1026, 1030 (6th Cir.1995) (interest arbitrator acts as legislator in fashioning new contractual obligations, rather than as judicial officer who concentrates on construing terms of existing agreement). Rights arbitration, in contrast, is for disputes "over the interpretation or application of a contract." *Printers League*, 919 F.2d at 3 n. 2. Because interest arbitration clauses involve "a mechanism for resolving disputes which may arise as to the terms of future contracts," as opposed to existing terms and conditions of employment, they are a non-mandatory topic of bargaining. *Sheet Metal Workers Local Union No. 20 and George Koch Sons, Inc.*, 306 NLRB 834, 1992 WL 64220 at *9 (March 25, 1992).

[23] I agree with the Board's conclusion that the salary arbitration clause at issue here is not a

traditional interest arbitration clause. The distinction blurred by the Owners' argument is that new future contractual obligations are not being created by the salary arbitrator. By the time a player and owner go to salary arbitration, a UPC, created by the terms of the Basic Agreement, has already been entered into by the parties. The only item missing from the executed contract is a dollar amount. The owners cannot escape the plain and unambiguous language of Article VI(F)(6), which provides:

Form of submission: The Player and the Club shall each submit to the arbitrator and exchange with each other in advance of the hearing single salary figures for the coming season (which need not be figures offered during the prior negotiations). At the hearing, the Player and the Club shall deliver to the arbitrator a Uniform Player's Contract executed in duplicate, complete except for the salary figure to be inserted in paragraph 2. Upon submission of the salary issue to arbitration by either Player or Club, the Player shall be regarded as a signed Player....

Basic Agreement, Article VI(F)(g) (emphasis added); see also *id.* at Article VI(F)(5) (within 24 hours of hearing arbitrator shall insert salary figure awarded in the duplicate UPC's delivered to him or her). Before the arbitrator rules, there is no question that the player will provide his services to the club for a specified period of time and that the club will pay for those services. The arbitrator's only task is, literally, to fill in the blank where the salary figure goes.

[24][25] Even if the salary arbitration clause contained in the Basic Agreement is an interest arbitration clause, however, I also agree with the Board's reasoning in *Sea Bay Manor Home for Adults*, 253 NLRB 739, 1980 WL 12643 (December 15, 1980) and *Columbia Univ. in the City of New York*, 298 NLRB 941, 1990 WL 122487 at *1 (June 28, 1990) that interest arbitration clauses can survive the expiration of collective bargaining agreements where the clauses:

[are] so intertwined with and inseparable from the mandatory terms and conditions for the contract currently being negotiated as to take on the characteristics of the mandatory subjects themselves.

Sea Bay at *3; see also *Columbia Univ.* at *1 (interest arbitration clause mandatory where it has immediate effect on wages and terms of employment).

[26] The essence of the reasoning in *Sea Bay* and *Columbia Univ.* is that in some industries the result of collective bargaining is not to stop talking in the future about a dispute but a recognition that the best

continuing process for the parties to establish wages is in arbitration. In these situations, a salary arbitration is a current term of employment. That is the situation in baseball. Salary arbitration is the collectively bargained *259 wage in the parties' Agreement, and the Board's view of it as such is not clearly or otherwise erroneous. For the foregoing reasons, the Board has sustained its burden of proving that the Owners committed unfair labor practices both by eliminating Article XX(F) of the free agency system and the salary arbitration provisions of the Basic Agreement.

There is Just and Proper Cause to Issue an Injunction.

[27][28] I find injunctive relief here warranted for several reasons. An important public interest in the process of collective bargaining will be irreparably harmed if an injunction does not issue. This strike has captivated the public's attention, given the popularity of the sport as well as the protracted nature and well-documented bitterness of the strike. Thus, this strike is about more than just whether the Players and Owners will resolve their differences. It is also about how the principles embodied by federal labor law operate. In a very real and immediate way, this strike has placed the entire concept of collective bargaining on trial. It is critical, therefore, that the Board ensure that the spirit and letter of federal labor law be scrupulously followed. If the Board is unable to enforce the NLRA, public confidence in the collective bargaining process will be permanently and severely undermined. See Seeler, 517 F.2d at 40 ("the standards of the public interest, not the requirements of private litigation, measure the propriety and need for injunctive relief in these cases.") (quotation omitted); DeProspero v. House of Good Samaritan, 474 F.Supp. 552, 557 (N.D.N.Y.1978) ("courts are required to formulate equitable decrees which will further the public interest in maintaining respect for the law, encouraging the resolution of industrial disputes through collective bargaining") (citation omitted). Issuing the injunction before Opening Day is important to ensure that the symbolic value of that day is not tainted by an unfair labor practice and the NLRB's inability to take effective steps against its perpetuation.

Although this public interest alone justifies the issuance of an injunction, I also find that returning the parties to the status quo will permit them to salvage some of the important bargaining equality that existed before the February 6 unfair labor practices were

committed. Before February 6, the Players had the right to attempt to salvage the upcoming season and avoid the continuing damage to their short professional careers by offering to return to work under the terms of the Basic Agreement before replacement players were used in the regular season. Even though Opening Day may need to be delayed, the parties still have time to avoid unduly abbreviating the season and to salvage it. Without an injunction, that bargaining possibility and its benefit in fostering good-faith continuing negotiations for the Players, which existed on February 6, would be greatly diminished if not lost.

Finally, the Owners argue that even if there is reasonable cause to believe that they committed unfair labor practices, the resulting injury to the Players is merely lost wages which can be compensated through damages. [FN9] The Owners' argument is flawed because there is more than money involved in the systems at issue here and because there is no adequate way to reconstruct the systems to fully recompense the losses of free agents or reserve players.

FN9. The Owners also suggest that even if the free agency bargaining process has been tainted by the commission of unfair labor practices, an injunction is inappropriate because most players are not free agents. This argument is specious. First, as of February 10, 1995, twenty percent of all players had enough seniority to opt for free agency status. See Transcript of Oral Argument, dated March 31, 1995, at 23. This is a sizable portion of the Players' union, and it defies common sense as well as general principles of equity to deny them relief simply because they do not constitute a majority of all players.

Salary is just one factor a free agent considers when seeking and accepting offers. A free agent may wish to join a team because of personal reasons such as family considerations, or because of promises of more playing time. Likewise, a free agent may select a team that pays less money but whose coaching staff and team roster make it a World Series contender. See Transcript of *260 Oral Argument, dated March 31, 1995 ("Tr."), at 22-23.

The importance of non-monetary considerations is recognized in the Basic Agreement which provides that during the notice period of free agency election, individual players will not enter into new contracts but may discuss the following subjects with other teams:

- the Player's interest in playing for the Club, and
- the Club's interest in having the Player play for it;

- the Club's plans about how it intends to utilize the Player's services (as a starting pitcher or reliever, as a designated hitter or not, platooning, etc.);
 - the advantages and disadvantages of playing for the Club including the nature of the organization, the climate of the city, availability of suitable housing, etc.;
 - length of contract
 - guarantee provisions
 - no trade or limited no-trade provisions.
- Basic Agreement, Art. XX(B)(2)(b).

[29] The protections of the NLRA extend to non-monetary bargaining topics that are "terms and conditions of employment." See 29 U.S.C. § 158(d); see also *Ford Motor Co.*, 441 U.S. at 497-98, 99 S.Ct. at 1849 (deference given to NLRB judgment that an unfair labor practice had been committed by employer's unilateral change in cafeteria services and vending machine access because "the availability of food during working hours and the conditions under which it is to be consumed are matters of deep concern to workers, and one need not strain to consider them to be among those 'conditions' of employment that should be subject to the mutual duty to bargain."); *Connecticut Light & Power Co. v. N.L.R.B.*, 476 F.2d 1079, 1081 (2d Cir.1973) (non-wage benefits such as selection of health insurance carrier are mandatory subjects of bargaining under 8(d)). In professional baseball, whether to leave a team, where to go and why are of "deep concern" to the affected players and the loss of those choices in the terms and conditions of employment cannot be adequately recompensed by money. The only adequate remedy to protect these important personal rights, rights which the NLRB is empowered to protect, is to issue an injunction and thereby restore the status quo. Otherwise, the harm to the Players is the very one the Owners' unfair labor practices sought to achieve, i.e., an alteration of free agency rights and a skewing of their worth.

Similarly, to the extent the salary arbitration system is intimately intertwined with the choice for both owners and players between free agency or arbitration, it is nearly impossible to reconstruct retrospectively the factors that would have influenced each side's decision at the time of election. Hence, even though it is easier later to reconstruct the actual process of salary arbitration and more precisely determine a lost wage from that process, monetary damages are insufficient to recompense for the harm caused in eliminating the salary arbitration process as a choice in the integrated reserve/free agency

systems.

Free agency, salary arbitration, and the reserve systems are three aspects of the professional baseball wage structure which are inexorably linked. See, e.g., Basic Agreement, Article XXIII, at 61-62 (Owners and Players had right to reopen Basic Agreement solely with respect to Article VI(B) (minimum salary), Article VI(F) (salary arbitration), and Article XX) (reserve system)). There is clear evidence on the record demonstrating that any economic injury suffered by free agents, for example, directly impacts upon all players. From 1985-87, the Owners engaged in allegedly collusive activities. Under the grievance procedures set forth in the Basic Agreement, an arbitration was had. See, e.g., In the Matter of the Arbitration between Major League Baseball Players Ass'n. and The 26 Major League Clubs, Grievance 88-1, attached as an unmarked exhibit to Pet.Reply Mem. Although the grievance was ultimately settled, the arbitrators found that "depressing free agent salaries led directly to lower salaries for the salary arbitration players." Affidavit of Donald Fehr, sworn to March 30, 1995 ("Fehr Aff."), at ¶ 16; see also *id.* at ¶ 23 (under baseball wage structure, there is a correlation between players' salaries and seniority); *tr.* at 28-29.

*261 Thus, a poisoning of the free agency bargaining process will also affect the wage negotiations of reserve and salary arbitration players. Conversely, the loss of salary arbitration in the reserve system skews the choice of free agency rights. The unusual wage structure in this monopoly industry makes it extraordinarily difficult if not nearly impossible to reconstruct past market conditions for purposes of retroactive damage calculations. Where "monetary damages are difficult to ascertain or are inadequate," an injunction is appropriate. *Danielson v. Local 275, Laborers Int'l Union of North America*, 479 F.2d 1033, 1037 (2d Cir.1973) (citations omitted); see also *Gerard v. Almouli*, 746 F.2d 936, 939 (2d Cir.1984) (upholding grant of preliminary injunction where damages impossible to ascertain). In short, in balancing the equities, I find that the harm to the public, the players, and the NLRB compels the issuance of a Section 10(j) injunction in this case.

CONCLUSION

[30] For the reasons discussed, the Court has issued an injunction directing and ordering Respondents, the Major League Baseball Player Relations Committee, Inc. and its twenty-eight constituent member clubs of

Major League Baseball, 1) to restore the terms and conditions of employment provided under the expired Basic Agreement which was effective January 1, 1990, including its free agency/reserve systems with salary arbitration for eligible reserve players, Article XX(F) and all other of their constituent parts; 2) immediately to rescind by written notice to all club members any actions taken, including the February 6 letter from Charles P. O'Connor to Donald M. Fehr, Re: Exclusive Representative Status of PRC and the February 6, 1995 Memorandum with its attached Questions and Answers sent by Charles P. O'Conner to All Major League Clubs Subject: Individual Club/Player Contract Negotiations, that are inconsistent with or conflict with the terms and conditions of employment, including all provisions of the free agency/reserve systems provided under the expired Basic Agreement; and 3) to bargain in good faith without unilateral changes to the Basic Agreement with the Major League Baseball Players Association

in compliance with § 8(a)(1) and (5) of the National Labor Relations Act.

This injunction is to remain in effect until either (1) the Players and Owners enter into a new collective bargaining agreement that replaces the expired Basic Agreement, or (2) the final disposition of the matters pending before the National Labor Relations Board on the Complaint and Notice of Hearing of the General Counsel of the Board in Case No. 2-CA-28177, or (3) a finding of this court, upon petition of the Players or Respondents for a dissolution of the injunction demonstrating that an impasse in good faith bargaining has occurred despite a reasonable passage of time negotiating in good faith the full mandatory bargaining terms of the expired Basic Agreement.

SO ORDERED.

END OF DOCUMENT

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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Sonia Sotomayor - 2nd Circuit (NY) [1]

2009-1007-F
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RESTRICTION CODES

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CLINTON LIBRARY PHOTOCOPY

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name:

Eduardo Figueroa

Address:

66

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

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Name:

Hector P. Rivera

Address:

SS#:

66

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Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name: Manuela M. Sotomayor

Address:

66

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 7, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of the elevation of Judge Sonia Sotomayor the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

On June of 1997, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. Her nomination by approved by the Senate Judiciary Committee on March 15, 1998, yet her nomination has been awaiting confirmation by the Senate since. Ironically, while her nomination awaits confirmation by the Senate, the United States Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The delay in the confirmation of Judge Sotomayor, a role model for women and for our Hispanic community, is incomprehensible and an outrage.

As we approach the celebration of the 100 years of United States-Puerto Rico relationship, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:

SHIRLEY ROSSMAN

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o M. Tony Bullock

June 30, 1998

The Honorable Alfonso D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Natalie De Marin

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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c/o Michael Kinsella
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Name:

Margarita Martínez

Address:

SS#:

66

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Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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Name:

JAVIER MOYNIHAN

Address:

SS#:

bl

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Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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United States Senate
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Name:

Aduana Sotomayor

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Felicia M. Moore

Address:

SS#:

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cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

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c/o Michael Kinsella
United States Senate
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Name:

Ricarda Soto

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

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Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

In June of 1997, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. Her nomination was approved by the Senate Judiciary Committee on March 15, 1998, yet her nomination has been awaiting confirmation by the Senate since. Ironically, while her nomination awaits confirmation, the United States Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The delay in the confirmation of Judge Sotomayor, a role model for women and for our Hispanic community, is incomprehensible and an outrage.

As we approach the celebration of 100 years of our United States-Puerto Rico relation, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:

Ana D. Santiago

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name:

Sonia Sotomayor

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 9, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a citizen of the State of New York, I want to thank you for your support and effort on behalf of Judge Sonia Sotomayor's nomination to the United States Court of Appeals for the Second Circuit.

After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit on June of 1997. On March 15, 1998, the Senate Judiciary Committee approved her nomination by a margin of 16-2 votes. However, despite her exceptional qualifications and for reasons not yet clear, the Senate has failed to move her nomination for confirmation. This is a particularly disturbing given the current judicial emergency that exists in the United States Court of Appeals for the Second Circuit.

For all these reasons and because her elevation is of historic importance to the Hispanic community, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, the day we commemorate the 100 years relation between Puerto Rico and the United States.

Name:

Berthe Marguez

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o M. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 7, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

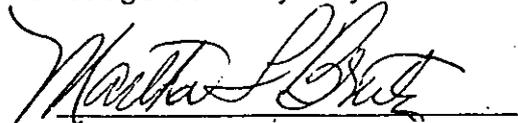
I write to you in support of the elevation of Judge Sonia Sotomayor the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

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As we approach the celebration of the 100 years of United States-Puerto Rico relationship, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:



Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o M. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

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As we approach the celebration of 100 years of our United States-Puerto Rico relation, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:

Frank Towers

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

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Name:

Sonia Velazquez

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

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Name:



Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

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Name:

Maria Gonzalez

Address:

106

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

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Name:

Maria Torres

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Tela C. Rodon

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

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Name:

Manoel Roman

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

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Name:



Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

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Name:

Address:

SS#:

Jose Santan

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Juan Santos

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

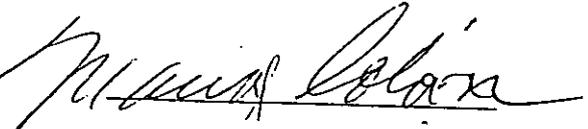
Dear Senator D'Amato:

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Name: 

Address:

SS#: b 6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Evanet Maldonado

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Silvia [Signature]

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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As we approach the celebration of 100 years of our United States-Puerto Rico relation, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:

Ana Masso

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

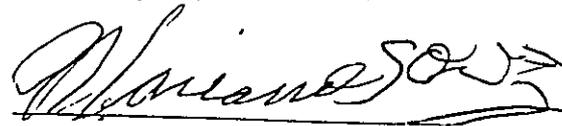
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Name:

Robert D. Torres

Address:

SS#:

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Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

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Name: AWILDA YAZQUEZ

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Antonina Reyes

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Irma A. Reyes

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Angel A. Reyes

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Rolando Jernandez

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

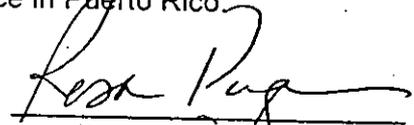
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Name:

Jane R. Cantor

Address:

SS#:

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Gilbert Gonzalez

Address:

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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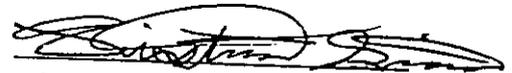
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Name:

HUGO HERNANDEZ 1

Address:

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

José Malvar

Address:

SS#:

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cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Ana Trujillo

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Rubin De la Rive

Address:

SS#:

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

J.A. Rodriguez

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
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Name: *Israel Otero*

Address:

SS#:

bl

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Washington, D.C. 20510

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After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

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For all these reasons and because her appointment is of historic importance to the Hispanic community, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, the day we commemorate 100 years of the United States presence in Puerto Rico.

Name:

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Gloria Jones

Address:

SS#:

66

cc: Senator Trent Lott; c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Cecilia Quinones

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Ramonita Cline

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Anita Soto

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

JOSE M. SOTO

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen



THE PUERTO RICAN INFORMATION INSTITUTE

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510
July 1, 1998

Honorable Senator D'Amato,

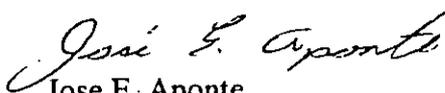
The Puerto Rican Information Institute would like to take advantage of this opportunity to express our support for the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor excelled as a prosecutor in Manhattan and then as a litigation partner with the firm Pavia and Harcourt. She was later appointed by President Bush to the United States Court for the Southern District of New York in 1992, making her the first Puerto Rican woman to serve in a federal court in the continental United States. Her record in the Southern District is exemplary. Her decisions have been reversed only six times in a district which many consider one of the most litigious and scrutinized district courts in the United States.

On June 25, 1997, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. Her nomination was approved by the Senate Judiciary Committee on March 15, 1998 by a 16-2 margin. However, for reasons that are not yet clear, the Senate has failed to act in her confirmation. Given the fact that the Court of Appeals for the second circuit is presently in a state of judicial emergency, this stall in her confirmation is especially disturbing.

The Puerto Rican Information Institute believes that Judge Sotomayor would prove to be an invaluable asset, not only to the Hispanic community, but also to the rest of the American people. We encourage the United States Senate to act decisively on Judge Sotomayor's confirmation.

Regards,


Jose E. Aponte
Executive Director

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name: Ronnie Baerga

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name: Antonio J. Sánchez

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name: JASON SANTIAGO

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

S. Desmond

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Barbara Jimmons

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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c/o Michael Kinsella
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Name:

Danny Fernandez

Address:

SS#:

blp

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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c/o Michael Kinsella
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Washington, D.C. 20510

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Name:

OSWALDO BARRERO-S

Address:

SS#:

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

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As we approach the celebration of 100 years of our United States-Puerto Rico relation, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name:

Jose E. Aponte

Address:

ble

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Joseph M. Pagan

Address:

ble

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name: Jenifer Vero

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 30, 1998

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c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name: Maria Muñiz

Address:

SS#:

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I want to thank you for your support and effort on behalf of Judge Sonia Sotomayor's nomination to the United States Court of Appeals for the Second Circuit.

After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit on June of 1997. On March 15, 1998, the Senate Judiciary Committee approved her nomination by a margin of 16-2 votes. However, despite her exceptional qualifications and for reasons not yet clear, the Senate has failed to move her nomination for confirmation. This is particularly disturbing given the current judicial emergency that exists in the United States Court of Appeals for the Second Circuit.

For all these reasons and because her appointment is of historic importance to the Hispanic community, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, the day we commemorate 100 years of the United States presence in Puerto Rico.

Name: Denise Pagan

Address:

SS#:

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I want to thank you for your support and effort on behalf of Judge Sonia Sotomayor's nomination to the United States Court of Appeals for the Second Circuit.

After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

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For all these reasons and because her appointment is of historic importance to the Hispanic community, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, the day we commemorate 100 years of the United States presence in Puerto Rico.

Name: Carron Muciz

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name: Felix Muñoz

Address:

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

b6

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name:

B. M. Saher

Address:

SS#:

06

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name: Ruth Williams

Address:

SS#:

b b

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

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Name: MARISOL C. Fernandez

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name: ANGELO FAGELLO

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

June 30, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

I write to you in support of Judge Sonia Sotomayor's appointment to the United States Court of Appeals for the Second Circuit.

Judge Sotomayor's credentials are very impressive. After an exemplary academic career, she excelled as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In recognition of her achievements, she was appointed to the United States Court for the Southern District of New York by President Bush in 1992, thus making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relation Board baseball strike injunction case in 1995.

In June of 1997, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. Her nomination was approved by the Senate Judiciary Committee on March 15, 1998, yet her nomination has been awaiting confirmation by the Senate since. Ironically, while her nomination awaits confirmation, the United States Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The delay in the confirmation of Judge Sotomayor, a role model for women and for our Hispanic community, is incomprehensible and an outrage.

As we approach the celebration of 100 years of our United States-Puerto Rico relation, I hope that Judge Sotomayor's nomination will be given the priority that it deserves. As such, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998.

Name: Tracey Vero

Address:

SS#:

b4

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Leahy, c/o Mr. Bruce Cohen
Senator Patrick Moynihan, c/o Mr. Tony Bullock

July 1, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I write to you in support of the nomination of Judge Sonia Sotomayor to the United States Court of Appeals for the Second Circuit. I also want to thank you for your support and efforts on behalf of Judge Sotomayor's nomination.

Judge Sotomayor's academic and professional careers have been truly exceptional. After a successful career in public and private practice, she became the first Puerto Rican woman to serve in a Federal court in the continental U.S., when President Bush appointed her to the United States Court for the Southern District of New York.

One year ago, Judge Sotomayor was nominated by President Clinton for the United States Court of Appeals for the Second Circuit. On March 15 of this year, the Senate Judiciary Committee approved her nomination by a 16-2 vote. Unfortunately, the Senate has failed to move her nomination for confirmation, even though the U.S. Court of Appeals for the Second Circuit has been declared to be in a judicial emergency. The fact that the nomination of a qualified, well-respected and admired Hispanic woman has not been moved for confirmation by the Senate makes a mockery of the legislative branch of government.

While I applaud your commitment toward Judge Sotomayor's nomination, I urge you to call on your colleagues for a more expedited process. I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, particularly since that day we celebrate 100 years of our Puerto Rico-United States relation.

Name:

Edmundo PEREZ

Address:

bb

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I want to thank you for your support and effort on behalf of Judge Sonia Sotomayor's nomination to the United States Court of Appeals for the Second Circuit.

After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

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For all these reasons and because her appointment is of historic importance to the Hispanic community, I look forward to the confirmation of Judge Sotomayor by no later than July 25, 1998, the day we commemorate 100 years of the United States presence in Puerto Rico.

Name:

Margie Padilla

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Lisette Padilla

Address:

B6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Chitkara

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Celonia Pizarroescu

Address:

b6

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:

Lillian O. Perez

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

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Name:



Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

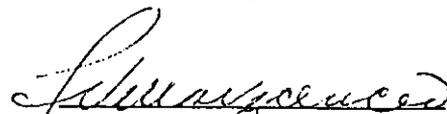
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Name:



Address:

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

b6

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

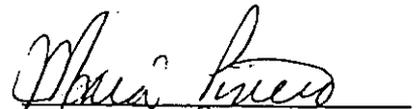
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Name:



Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Cynthia Dacles

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Sonia Sotomayor

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

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Name:

Sonia Sotomayor

Address:

SS#:

b6

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Edna Mendonca

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Meg Walbes

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Carlos Ortiz

Address:

SS#:

b6

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Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Malva Cauder

Address:

SS#:

bb

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Name:

Nazario Lison

Address:

SS#:

66

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Paulina Gomez

Address:

SS#:

dlp

cc: Senator Trent Lott, c/o Mr. Steve Seale
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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Pieri Noto

Address:

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b10

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Name:

Archie C. Westing

Address:

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ble

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Name:

HIPOLITO Jurado.

Address:

SS#:

blb

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Miriam Anzures

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Cornie J. Phillips

Address:

SS#:

bl

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Rivera Jose

Address:

SS#:

bl

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Name:

Soboba Mario Marquez

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Heidi Ross Heid. Ross

Address:

SS#:

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Name:

Adela Santiago

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

The Honorable Alfonse D'Amato
c/o Michael Kinsella
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

As a resident of the State of New York, I want to thank you for your support and effort on behalf of Judge Sonia Sotomayor's nomination to the United States Court of Appeals for the Second Circuit.

After an exceptional academic career, Judge Sotomayor worked as a prosecutor in Manhattan and then as a litigation partner with the firm of Pavia and Harcourt. In 1992, President George Bush appointed Judge Sotomayor to the United States Court for the Southern District of New York, making her the first Puerto Rican woman to serve in a Federal court in the continental United States. Judge Sotomayor has distinguished herself and has developed a brilliant record, as exemplified by her handling of the National Labor Relations Board baseball strike injunction case in 1995.

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Name:

Ruth Suarez

Address:

SS#:

bl

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name: Yesenia Rodriguez

Address:

SS#:

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

b6

July 2, 1998

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Name:

Seni Rodriguez

Address:

bl

SS#:

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Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Cristina Lopez

Address:

SS#:

blp

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Solelena Rodriguez

Address:

SS#:

b6

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Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Teresa Maldonado

Address:

SS#:

66

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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United States Senate
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Name:



Address:

SS#:

blb

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Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Peter Garcia

Address:

SS#:

bb

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

July 2, 1998

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Name:

Orlando Vives

Address:

SS#:

66

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Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen

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Name:

Frank Aice

Address:

SS#:

b6

cc: Senator Trent Lott, c/o Mr. Steve Seale
Senator Patrick Moynihan, c/o Mr. Tony Bullock
Senator Patrick Leahy, c/o Mr. Bruce Cohen