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Justice Sotomayor

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I am not a fan of autobiography: you cannot trust it. But there are exceptions, and Justice Sotomayor is disarming and candid. I enjoyed her discussions of being put off by Harvard and the poodles and the oriental rug and the silver-haired woman. The Justice's frank discussion of her problems learning to write, and the professor who helped (and recognized talent when he saw it), strike me as unusual. Her recognition of the importance of being given a chance and the role of luck would be inspiring for that larger Yale audience, not just confined to the law students. You can study her cases and their commentary. This was a different conversation, a personal walkabout. I might even buy her book (oh, my wife says we have it--it was one of her group's book club selections shortly after release): <http://www.nytimes.com/2013/01/20/books/review/my-beloved-world-by-sonia-sotomayor.html?pagewanted=2> and <http://www.npr.org/2013/01/12/167042458/sotomayor-opens-up-about-childhood-marriage-in-beloved-world> . This is a very hard-working woman, and not so righteous.

 1  · [flag](#)[Sonia B.](#) · a month ago 

It did not surprise me that Justice Sotomayor chose to highlight her faults (personal and perceived) in life; it is the precedent in Latino/Hispanic communities- perhaps we tend to disbelieve our successes when confronted by such an adversarial relationship with history in America. As a natural born American Latina I can relate to this but I always appreciate that the truth is, in purely general terms, that life is a learning experience consisting of ever-smaller learning experiences that sweeten the content of the "mix" in every individual. Thus, I believe that is why Justice Sotomayor's stories are inviting, uplifting, and educational but I do find myself wondering what experiences Justice Scalia had to make him believe that racism in America is a fossil in the Museum of Contemporary America. O_o

 1  · [flag](#)[Joel Kovarsky](#) · a month ago 

Sonia,

Justice Scalia, long an arch-conservative, has some edgy legal views and feelings about the 14th amendment (that I am not qualified to explain and do not agree with--but then again my legal views do not matter much):

<http://www.newyorker.com/online/blogs/closeread/2013/02/in-voting-rights-scalia-sees-a-racial-entitl...>

<http://abcnews.go.com/blogs/politics/2013/04/scalia-talks-race-homosexuality-boredom/>

I think Scalia's take on the law, irritating or uplifting as it may be depending on one's political stance (and he irritates plenty of Republicans) is nuanced: <http://columbialawreview.org/wp-content/uploads/2013/03/Eskridge.pdf> . That link goes to a detailed review of Scalia's book, *Reading the Law* (I have not read it), but a quick search of some specific terms suggests that issues of race and the 14th amendment do not appear.

Given their respective positions, he and Justice Sotomayor are likely to bump heads over any number of decisions during the coming years.

↑ 0 ↓ · flag

Anonymous · [a month ago](#) 🔒

Sotomayor's votes show nothing but a liberal bias and that she can not rise above her background to consider all Americans equally. Regardless of what she might claim we have her results after she arrived at SCOTUS

↑ 0 ↓ · flag

[+ Comment](#)

Anonymous · [a month ago](#) 🔒

Likable on the personal side to be sure, but most of what she said was irrelevant as to how she will approach controversial court cases in the future.

She is a well known "living constitution" person although, to my surprise, I remember she asking the "incest/polygamy" question during the oral arguments of the California Proposition 8 case. She sided with the minority in that case (which was solved by denying standing to the appellants). Given who was in the majority, it is unclear what she would have said had the case been decided on the merits. While I might understand why Ginsburg preferred to let gay marriage stand in California without addressing the XIV-th amendment issue (since she has been so critical of *Roe v Wade*), I still don't get how Kagan and Breyer wouldn't have loved to join Kennedy in affirming gay marriage as a "fundamental right", unless Sotomayor would have denied it had the case been decided on the merits.

While the justices were able to step out of the issue with Proposition 8, they won't with the Utah case, in which the perversion of Proposition 8 is not even present because Utah's ban on gay marriage was not passed "after the fact" (as it was California's Proposition 8 constitutional amendment). The brief period during which gay marriage was legal in Utah was the result of judicial activism out of control at the federal level -that the SCOTUS put an end while the case is decided on the merits- unlike the California case in which Proposition 8 was passed to correct the activism of a state court.

↑ 0 ↓ · flag

Joel Kovarsky · a month ago

I prefer other takes on this Justice: <http://www.newrepublic.com/article/politics/91013/sonia-sotomayor-supreme-court-liberal-voice> . None of those on the court make everyone happy.

↑ 0 ↓ · flag

Anonymous · a month ago

One thing I can agree with TNR article, Stephen Breyer scares the hell out of everybody who listens to him except for committed liberals (which are at most 25% of the population according to Google).

If one day arrives that all 9 SCOTUS justices are like Stephen Breyer, there will be no difference between living in the US and living in Cuba.

↑ -5 ↓ · flag

Ray Strong · a month ago

Cuba: Our cars will be better -- and the buildings newer.

↑ -2 ↓ · flag

A post was deleted

Anonymous · a month ago

I put my emphasis in bold

"The liberal wing of the Court has needed an appealing voice for some time. **Justice Stephen Breyer has been the leading spokesperson for liberal constitutionalism of late**; he has written two important books articulating his jurisprudence and has appeared in the popular media and in debates with Scalia defending his theories"


Leading voice for liberal constitutionalism means the scariest. It's like saying that Obama was the leading voice for the liberal wing of the Democratic Party during the 2008 primaries, which was true. That is also the reason why Obama is the most polarizing president since Gallup tracks partisanship (measured as the difference in support between of people that identify with one party vs the other). It seems hard to believe that GW Bush was perceived as less partisan

than Obama by the same metric. Obama's supporters will never understand why their guy is so polarizing, but we are again into one of those Jonathan Haidt situations: liberals are unable to understand their opposition as well as conservatives understand them.

So, after having heard Breyer several times (I remember very well an interview he gave Chris Wallace for Fox News Sunday during one of his book promoting tours). He sounded scary then and he continues to sound scary now. Basically, if it were up to him, the constitution would be 100% meaningless. It would mean whatever Breyer thinks it means regardless of the written text. So an SCOTUS with 9 "Breyers" would ram through unanimously every single liberal policy of the book, which is why I say that there would not be any difference between said regime and Cuba's!

↑ -1 ↓ · flag

 A post was deleted

Anonymous · a month ago 

That Obama is the most polarizing president ever is, as I said, a Gallup finding, not mine <http://www.gallup.com/poll/160097/obama-fourth-year-office-ties-polarized-ever.aspx> .

In any case, no reason to be scared of me. I have no power to make Obamacare "a tax", as Breyer has, or to invalidate laws that are passed by veto proof majorities, like Breyer and his friends did with DOMA.

I cannot conceive a country in which all 9 justices were Breyer like.

↑ 0 ↓ · flag

Dom Roguly · a month ago 

The Constitution from the get-go was conceived as a "living document" subject to both interpretation and dynamic expansion. Just like the United States. It had taken some 175 years for the Constitution to live up to it's promise of "We the people" and to promote the "general welfare." We are not there yet, but we can thank the early Republicans, the Progressives, and the New Deal Liberals for challenging us to reach the promise of the vision and words of the framers. For that is what it was, a vision to carry the United States into the future, and in that it has admirably succeeded much to the consternation and surprise of its critics and cynics.

↑ 0 ↓ · flag

Joel Kovarsky · a month ago 

Anonymous,

Regarding presidential polarization: Gallup's records only go to 1945, polling techniques and questions have changed, and saying that President Obama is the main cause of this current

polarization ignores many other factors (<http://www.pewresearch.org/fact-tank/2013/07/17/partisan-polarization-in-congress-and-among-public-i...>). He can just as easily be deemed a victim of the process. "We the people" bear some blame. The intensity and speed of media bombardment are factors. Your conclusions appear to be those of political convenience. And this is admittedly off-topic, so apologies and I will stop there.

↑ 1 ↓ · flag

Anonymous · a month ago

I never said that Obama is the main cause of polarization, but certainly his style hasn't helped. You have some valid point that methods/techniques have changed since 1945 but not so much since 1990. His style is one in which he uses polarization, like the fact that according to several recent polls a majority of Americans still blame GW Bush for many of the current problems, to mobilize his base and those not sympathetic to the GW Bush debacle. That's how he pulled off his second narrow victory. When Obama (or his administration) portrays Republicans as the "enemies" of a certain demographic group, calls them "hostage takers", etc, polarization can only increase.

In my mind, the most uniter president of the recent era was Ronald Reagan. You could agree or disagree with him and his policies (he had strong political enemies) but he was always respectful to the people. He would have never called Democrats "hostage takers" or call Republican voters to "punish them with the vote".

Obama is very polarizing and he has a great deal of responsibility for having nurtured polarization on steroids.

↑ 0 ↓ · flag



will foster · a month ago

The Justice is undeniably brilliant but I think she is hopelessly biased with regard to ethnicity. Her world view is limited by her past.

↑ 1 ↓ · flag

Maria Izabel Gomes Ssnt'Anna Signature Track · a month ago

Gwill, it's true what you said. But the past of every judge influence their decisions somehow. Don't you think?

↑ 1 ↓ · flag

Anonymous · a month ago

In fact, Sotomayor's obsession with being "Latina" was the focus of her senate confirmation hearings <http://www.cnn.com/2009/POLITICS/05/28/sotomayor.latina.remark.reax/>.

I think that there is a difference between being aware (or proud or whatever) of one's ethnic background and quite another to see one's mission in life to make sure that that background influences everything you do regardless of any other consideration.

Decisions like https://en.wikipedia.org/wiki/Brown_v._Board_of_Education, which paved the way for the passage of the 1964 Civil Rights Act, would not have happened if those justices had seen themselves first and foremost as WASP with their mission in life to promote WASP-ness.

At some point the constant "I am a Latina" thing becomes tiring. If Sotomayor wants to live in a Latin country, she has quite a few to choose from South of Rio Grande.

↑ 0 ↓ · flag



Jennifer cuddy · a month ago 🔒

Wow. I am extremely disappointed in this course. It is very sad to read the views of (mostly anonymous, go figure) users who seem to jump at every opportunity they can to voice their bigotry and attempt to impose their ideology on to a class of otherwise, reasonable people with no political agendas. You know, people here simply to learn. Did the Koch brothers send you here?

Personally, I think these anons were sent to this class in order to propagate their extremist views and search for recruits. I've seen less hate being spewed by twitter trolls than the ones accosting people here.

I sincerely hope this is no reflection of the values upheld by Yale.

I'll stick to the periphery in this course.

↑ -1 ↓ · flag

Anonymous · a month ago 🔒

Jennifer,

I am the Anonymous who already pointed out to you that your arguments are empty "appeal to emotion" rhetoric, such as this one.

You might find it hard to believe but there is like 50% of the country who doesn't share the liberal view that is presented by the likes of ABC News, NBC News, CNN, MSNBC, the New York Times or the Washington Post. Or maybe it's 47%, but in any case, we are talking almost 150 million Americans who don't see their views represented by the editorial boards of these outlets.

Somebody said that the "genius" or Roger Ailes was to realize that there was a "niche market" made of approximately 50% of the people who was in need of an alternative news source. Boy he was right.

As to the "values of Yale", one would expect that the top value in their list would be to be a marketplace of ideas in which every argument is welcomed and debated on the merits, not on empty "appeal to emotion" fallacies as you have shown a tendency to throw.

The fact of the matter is that Sotomayor's Latina background, if she aspires to be a good judge, is as irrelevant to the constitution as a WASP background is. Again, no brown v board of education if WASP-ness had been the main factor in the justices decision making process.

↑ -1 ↓ · flag



Jennifer cuddy · a month ago

Anon@ once again, your logic is way off base. No wonder you don't use your real name.

↑ 0 ↓ · flag

Anonymous · a month ago

Actually my logic is not off base. I provide logic. You provide "appeal to emotion" fallacious reasoning. The reason I remain anonymous is that I know pretty well how vicious liberals can be when it comes to make the life of those who disagree with them difficult. On the matters at hand, I have provided arguments based on original intent and historical understanding. You have provided only "appeal to emotion" to justify yourself. On free speech matters, for instance, if it were up to you, you would nominate yourself as the "chief of the speech police" as to impose your own vision of what is "free speech" vs "what is not free speech" on 300 million Americans. Thanks God, your position has very little support even among "living constitution" SCOTUS justices.

↑ -1 ↓ · flag

A post was deleted

Anonymous · a month ago

Kathleen,

More and more it looks like the upcoming election is going to be a referendum on your values and that means your POV is going to lose the the US Senate and the people you view as ridiculous are going to retain the House.

↑ 0 ↓ · flag

Anonymous · a month ago

Speech codes already dominate at colleges all over America. We know where liberals are

headed on speech. Hillary called for a gatekeeper on the Internet.

↑ 0 ↓ · flag

Anonymous · [a month ago](#) 🔒

Anon,

People with Kathleen or Jennifer's persuasion doesn't even know that things like these happen at US colleges and universities <http://www.thefire.org/category/cases/free-speech/> . Or if they do, they see it as "logical". They will never acknowledge that they have a point of view that is biased.

People like us know better :D.

↑ 0 ↓ · flag



Jennifer cuddy · [a month ago](#) 🔒

Hey Anon @ Tell it to your psychiatrist. I'm done speaking to you.

↑ 0 ↓ · flag

Anonymous · [a month ago](#) 🔒

A new low coming from you, which was not at all that unexpected.

When "appeal to emotion" doesn't take you anywhere, and when evidence is provided that liberals regularly use tactics to suppress speech that they don't like in places where they have the upper hand (such as universities), there is always the last resort of calling the opposite party "crazy". I remember Juan Williams (a liberal himself!) being also called "crazy" by the NPR CEO who fired him. Unlike Juan Williams, I have no hope of being hired as a Fox News pundit if one of you were to retaliate for the things I have said here. The irony of course, is that every insult you throw at me provides the evidence needed to convince those who are not familiar with liberal bullying of the need to remain anonymous when arguing these things :D.

In any case, you'd be surprised that the president of The Fire is a pro choice liberal https://en.wikipedia.org/wiki/Greg_Lukianoff .

↑ -2 ↓ · flag

Anonymous · [a month ago](#) 🔒

Anon,

Sadly some may be aware of fascist speech codes on colleges and agree with them.

This is not new - note that Louis Farrakhan has full free speech rights on campus but of course he would never be saying anything wrong in the eyes of liberal ... including his liberal friend, the late dictator of Libya.

In 1988, for example, Nation of Islam leader Louis Farrakhan — who is known for his radically anti-Semitic views — was invited to speak at Penn by 10 campus groups.

“Many people harshly criticized the administration for allowing him to come on campus and preach hate speech,” University Archives and Records Center Director Mark Frazier Lloyd said.

Soon before the speech took place, Sheldon Hackney — who was Penn’s president at the time of the Farrakhan visit — told *The New York Times* that “I’m hoping it will be an occasion for some educational discussions of race relations on campus. But it could be confrontational and arouse a lot of emotion in which nothing constructive can take place.”

Racial controversy also came to the fore of discussion at Penn during the 1993 “water buffalo incident.”

In the incident, Eden Jacobowitz, a freshman at the time, was charged with racial harassment under Penn’s Code of Conduct for shouting, “Shut up, you water buffalo!” at a group of black sorority sisters who were making noise outside his room in a high-rise College House. The charges — which were later dropped by the women and the Office of Student Conduct — brought Penn’s racial and sexual harassment speech policies under fire, according to Lloyd.

The incident “marked the beginning of an awareness of speech codes on campus and its impact on students ... In the years since then, Penn has done a really good job of reforming its policies to be protective of student speech,” said Samantha Harris, director of legal and public advocacy for the Foundation for Individual Rights in Education, a nonprofit organization that defends students’ free expression rights.

http://www.thedp.com/article/2012/02/from_water_buffalo_to_bds_penn_faces_free_speech_questions

↑ -1 ↓ · flag

Anonymous · a month ago 🔒

Anonymous,

As I said, I have seen liberal bullying of those who disagree with them first hand. I don't need convincing. The work that The Fire has done exposing some of it only helps document it as a real phenomenon in order to present it to people like Jennifer but suppressing dissent is a basic liberal value. So anonymity helps mitigate some of it, but clearly, given Jennifer's reaction, not all of it.

She still has not provided a single valid argument to adopt his "ban the hate speech that I consider to be such" agenda. She is not interested in learning about the founding of our

republic, the reason the first amendment was adopted, the ways it has been helpful to make sure that no totalitarian tyrant would rise inside the US, etc. She is only interested in the rest of us agreeing with her that "speech X is hate speech and should be banned".

↑ -1 ↓ · flag

Anonymous · [a month ago](#) 🔒

anon,

Sadly she represents a significant % of the population. an algore can tell them CO2 causes global warming and then Bette Midler will say warm weather and cold weather are both caused by man. They have no ability to link cause and effect. Else liberalism would have died decades ago. Liberal control of the media is how they keep this going, keeps the country from knowing the facts. Ask a liberal who caused the recent real estate meltdown and the answer will be greedy bankers every time when in fact it was the Community Reinvestment Act of liberals that caused the destruction of trillions of dollars - Iceland went bankrupt because of liberal democrats in congress and elected by other liberals in the culture.

Interestingly the FCC came out with a ruling that permits product to be used in white spaces spectrum and this will spell the end of liberal control of the media, cable TV, satellite, Hollywood and cell phones. Want to see these over priced dinosaurs ... just watch. Wi-Fi on steroids.

↑ -1 ↓ · flag

[+ Comment](#)

Julia Shea · [a month ago](#) 🔒

The interview with Justice Sotomayor was different than I thought it would be. It was not about particular decisions or cases but, in explaining her background, an insight into Justice Sotomayor's approach to the law. Her humility was as impressive as her humanity.

↑ 0 ↓ · flag



Tommie Means · [a month ago](#) 🔒

I agree Julia I thought Justice Sotomayor presentation would have been more practical about the nuts and bolts of the SCOTUS. I thought she would have elaborated on some her landmark rulings and the future make up of the SCOTUS. Never the less she put a human touch on the nations highest courts.

Tommie

↑ 0 ↓ · flag

Josh Berdeaux · a month ago

Tommie: I agree Julia I thought Justice Sotomayor presentation would have been more practical about the nuts and bolts of the SCOTUS.

Josh: I think it gives some good insight to her particular mind-set, which should give us some clues when we read Court Opinions authored by her.

↑ 0 ↓ · flag

Anonymous · a month ago

Sotomayor seems to have been selling a POV. From Discover the Network:

The other group to which Sotomayor belonged, Princeton's [Third World Center](#), was established in 1971 [to provide](#) "a social, cultural and political environment that reflects the needs and concerns of students of color at the University"; [to remedy](#) the fact that "the University's cultural and social organizations have largely been shaped by students from families nurtured in the Anglo-American and European traditions"; to acknowledge that "it has not always been easy for students from different backgrounds to enter the mainstream of campus life"; and to teach minority students to "become more sensitive to the consequences of a [long history](#) of prejudice and discrimination."

TWC's constitution and founding documents were steeped in anti-American and anti-white rhetoric. A 1976 TWC [document](#) titled "[Oppression breeds resistance](#)," stated: "The history of the peoples of the Third World, who have suffered from U.S. Imperialism, and of the oppressed nationalities within the United States—Afro-Americans, Puerto Ricans, Chicanos, Asians, and Native Americans, has been a history of oppression and resistance." On one occasion in 1973, TWC brought the Puerto Rican Nationalist and Socialist, Manuel Maldonado-Denis to campus as a [guest speaker](#). "I have come from a colonized country, submitted to cultural assimilation and cultural aggression," he [told](#) the students at TWC. He accused the United States of "dominating," "fleecing" and "exploiting" Puerto Rico, and said "the only solution" to the problem was "the establishment of national liberation and the establishment of socialism."

Years later, in [November 1984](#), TWC's board maintained that nonwhite students should have the right to bar whites from its meetings on campus and from its meetings with school administrators. At that time, future First Lady [Michelle Obama](#) was a member of the TWC [board](#). The group's 1984 constitution stated:

"We define the term 'Third World' as those nations and people who have fallen victim to the oppression and exploitation of the world economic order. This definition includes the peoples

of color in the United States, as they too are victims of a brutal and racist socio-economic structure perpetuated by those who still exploit such groups as Asians, Blacks, and Latinos and who still occupy the homelands of the Puerto Rican, Mexican, Native American, and Alaskan peoples. Therefore, we must seek to understand the historical and contemporary ramifications of oppression we are to liberate ourselves from economic and social chains which bind us."

During Sotomayor's years at Princeton, she [denounced](#) the university's "institutional pattern of discrimination." Moreover, she filed a complaint with the Department of Health, Education, and Welfare's New York office demanding that Princeton increase its recruitment of Latino administrators, faculty, and students. She also delivered to the university's president two letters demanding explicit quotas and timetables for such recruitment.

In the May 10, 1974 edition of Princeton's student newspaper, *The Daily Princetonian*, Sotomayor [wrote](#) that her university was guilty of "an institutional pattern of discrimination" against Chicanos and Puerto Ricans. She added:

"The facts imply and reflect the total absence of regard, concern and respect for an entire people and their culture. In effect, they reflect an attempt -- a successful attempt so far -- to relegate an important cultural sector of the population to oblivion.... There is not one Puerto Rican or Chicano administrator or faculty member in the university;... [T]here were only 111 Chicano applicants and 27 students on campus this year; Not one permanent course in this university now deals in any notable detail with the Puerto Rican or Chicano cultures."

In her 1976 Princeton yearbook, Sotomayor selected, as her special [quotation](#), the following statement of Norman Thomas, who ran for U.S. president six times on the Socialist Party ticket: "I am not a champion of lost causes, but of causes not yet won."

After graduating from Princeton, Sotomayor earned a Juris Doctor at [Yale](#) Law School in 1979. She then took a job as an Assistant District Attorney under New York County DA Robert Morgenthau.

In 1980 Sotomayor became a [Board of Directors member](#) of the [Puerto Rican Legal Defense and Education Fund](#) (currently known as [LatinoJustice PRLDF](#)), a post she would hold for 12 years. In 1981 Sotomayor was part of a three-person panel that [urged](#) PRLDF to oppose the reinstitution of the death penalty in New York State. "Capital punishment is associated with evident racism in our society," the panel wrote. "It creates inhuman psychological burdens for the offender and his/her family."

In 1984 Sotomayor left her job at the DA office and launched a private legal practice, subsequently becoming a partner at the commercial litigation firm of Pavia & Harcourt, where she specialized in intellectual-property cases.

In November 1991, President George H.W. Bush nominated Sotomayor, on the recommendation of Democrat Senator Daniel Patrick Moynihan, to a seat on the U.S. District Court for the Southern District of New York. She was confirmed by the Senate in August 1992.

In one of the more high-profile cases over which Sotomayor presided, she issued an order allowing the *Wall Street Journal* to publish the July 1993 suicide note of Deputy White House Counsel Vince Foster. In another much-publicized case, in March 1995 she issued the preliminary injunction preventing Major League Baseball from unilaterally implementing a new Collective Bargaining Agreement and using replacement players, thereby bringing the 1994 baseball strike to a close.

In the early 1990s, Sotomayor [spoke publicly about the role that affirmative action played](#) in her educational background:

"I am a product of affirmative action. I am the perfect affirmative action baby. I am Puerto Rican, born and raised in the south Bronx, and from what is traditionally described as a socio-economically poor background. My test scores were not comparable to that of my colleagues at Princeton or Yale. Not so far off the mark that I wasn't able to succeed at those institutions.... [I]f we had gone through the traditional numbers route of those institutions, it would have been highly questionable whether I would have been accepted with my academic achievement in high school. I was accepted rather readily at Princeton, and equally as fast at Yale. But my test scores were not comparable to that of my classmates, and that's been shown by statistics, there are reasons for that. There are cultural biases built into testing, and that was one of the motivations for the concept of affirmative action, to try to balance out those effects."

On November 7, 1996 Sotomayor delivered a [speech](#) to the Third World Center (TWC) titled "The Genesis and Needs of an Ethnic Identity." Among her [remarks](#) to this organization (of which she had been a member during her college years) were the following: "At Princeton, I began a lifelong commitment to identifying myself as a Latina, taking pride in being Hispanic, and in recognizing my obligation to help my community reach its fullest potential in this society. Accion Puertorriquena, the Puerto Rican group on campus then, and the Third World Center ... provided me with the anchor I needed to ground myself in this new and different world." Sotomayor further praised TWC for having "demonstrated and taken over University buildings" as part of their activism.

On June 25, 1997, Sotomayor was nominated by President [Bill Clinton](#) to serve as a federal judge on the U.S. Court of Appeals for the Second Circuit, a seat she would hold until May 2009.

From 1998 to 2007, Sotomayor was an adjunct professor at New York University School of Law. She also was a lecturer at [Columbia](#) Law School from 1999 to 2009, and she served as a member of Princeton University's Board of Trustees.

Sotomayor was formerly a Board of Directors member of the Maternity Center Association (now called Childbirth Connection), an organization that "[uses](#) research, education and advocacy to improve maternity care for all women and their families." Childbirth Connection generally views maternity care as the financial responsibility of taxpayer-funded programs dedicated to such objectives as: "establishing early standards for prenatal care and education;

fostering the development of childbirth education in the United States; developing and distributing pioneering educational resources for prenatal, childbirth and parent education; and establishing the country's first nurse-midwifery education program and first urban out-of-hospital birth center providing woman- and family-centered maternity care."

In 1998 the Family Research Council [named Sotomayor as the recipient of its Court Jester Award](#), mocking her decision to extend the application of the Americans With Disabilities Act to a woman who had cited her own inability to read as the "handicap" that caused her to fail the New York State bar exam several times.

In 2001 Sotomayor gave a [speech](#) at [UC Berkeley](#), during which she suggested, approvingly, that making the federal bench more "diverse"—in terms of ethnicity, race, gender, or sexual orientation—"will have an effect on the development of the law and on judging." Refuting the notion that judges should not permit the foregoing personal traits to influence their legal decisions, she said: "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life." "Whether born from experience or inherent physiological or cultural differences," she elaborated, "our gender and national origins may and will make a difference in our judging.... Personal experiences affect the facts that judges choose to see." Questioning whether it is "possible in all, or even, in most, cases" for judges to be absolutely impartial, she pondered: "I wonder whether by ignoring our differences as women or men of color we do a disservice both to the law and society." She also expressed agreement with law professors who maintain that "to judge is an exercise of power," and that "there is no objective stance but only a series of perspectives." At another point in the speech, she [said](#), "We [Latinos] have only 10 out of 147 active circuit court judges and 30 out of 587 active district court judges. Those numbers are grossly below our proportion of the population."

According to a July 2009 *Congressional Quarterly* [report](#):

"Supreme Court nominee Sonia Sotomayor delivered multiple speeches between 1994 and 2003 in which she suggested 'a wise Latina woman' or 'wise woman' judge might 'reach a better conclusion' than a male judge. Those speeches ... suggest her widely quoted 2001 speech in which she indicated a 'wise Latina' judge might make a better decision was far from a single isolated instance."

Perhaps [the most noteworthy court case](#) over which Sotomayor has presided was a 2004 lawsuit filed by Frank Ricci, a white New Haven, Connecticut firefighter who, the previous year, had scored very well on the test which his local fire department administered in order to determine who should be promoted to such positions as lieutenant and captain. But when it was revealed that black firefighters, on average, had performed quite poorly on that test, the city of New Haven, reasoning that the exam itself must have been racially biased, mandated that the test results be discarded and that no promotions be granted that year to anyone. In response, Ricci and 17 fellow firefighters (16 whites and 1 Hispanic) filed a federal civil-rights lawsuit -- which was argued before a three-judge panel of the U.S. Court of Appeals for the 2nd Circuit -- contending that they had been wrongfully denied promotions they deserved. That panel, which included Sotomayor, upheld New Haven's decision to dismiss the test

results.

Four years later, all 13 members (including Sotomayor) of the same Appeals Court presided over a retrial of the Ricci case. They likewise agreed, this time by a 7-6 margin, that the firefighters' test was invalid. Six of the seven judges to rule that way were, like Sotomayor, Bill Clinton appointees.

On both a personal and professional level, Sotomayor has long placed a great emphasis on ethnic identity (and on the presumed victim status of nonwhite minorities). [By her own telling](#), she has never fully shed her personal sense of being an outsider looking in on American society:

- “The differences from the larger society and the problems I faced as a Latina woman didn't disappear when I left Princeton. I have spent my years since Princeton, while at law school and in my various professional jobs, not feeling completely a part of any of the worlds I inhabit.”
- “As accomplished as I have been in my professional settings, I am always looking over my shoulder wondering if I measure up and am always concerned that I have to work harder to succeed.”

A [member](#) of the [National Council of La Raza](#), Sotomayor [describes](#) Latinos as one of America's “economically deprived populations” which, like “all minority and women's groups,” are filled with people “who don't make it in our society at all.” Attributing those failures to inequities inherent in American life, she affirms her commitment to “serving the underprivileged of our society” by promoting [affirmative action](#) and other policies designed to help those who “face enormous challenges.” Moreover, she [identifies](#) “human rights” and “civil liberties” as topics that need to “permeate our societal discussions.”

Sotomayor penned the [Foreword to the 2007 book](#), *The International Judge*, where she [said](#) that American judges should try to “learn from foreign law and the international community when interpreting our Constitution.” She also stressed the importance of having judges “learn from international courts and from their male and female judges about the process of judging and the factors outside of the law that influence our decisions.” According to the journal *Foreign Policy*, Sotomayor [believes](#) that judges should make an effort to consider foreign case law whenever applicable to their rulings.

The Traditional Values Coalition (TVC) [reports](#) that Sotomayor is an [advocate of Legal Realism](#), “a judicial philosophy that permits judges to ignore the U.S. Constitution and laws in their rulings,” and which is “diametrically opposed to the concept of strict construction/originalism as advocated by conservative legal thinkers and judges.” [Adds TVC](#):

“Legal Realism is a philosophy developed by Judge Jerome Frank in his 1930 book, *Law And The Modern Mind*.

“Frank taught that the law changes along with the circumstances and the concerns of the judges applying it. He argued that judges should do more than interpret the law or look to the original intent of the writers of the law or the Constitution. Judges should bring in outside

influences from social sciences, psychology and politics, plus their own views, to craft the law....

"Judge Sotomayor drank deeply from his philosophy. She described Legal Realism in her 1996 lecture at Suffolk University Law School. She stated that the public wrongly expects 'the law to be static and predictable,' but points out that courts and lawyers are 'constantly overhauling the laws and adapting it to the realities of ever-changing social, industrial and political conditions.'"

In a 2008 case known as *Doe v. Mukasey*, Sotomayor [ruled](#) that FBI "national-security letters" asking electronic-communications service providers to furnish the Bureau with the records of a criminal or terrorist suspect, violated the First Amendment.

In a January 2009 Second Circuit case known as [Maloney v. Cuomo](#), Sotomayor ruled that states are not required to obey the Second Amendment's mandate that the right to keep and bear arms shall not be infringed. The opinion which she signed stated that "the Second Amendment ... is a limitation only upon the power of Congress and the national government, and not upon that of the state."

In May 2009 [a video surfaced](#) of Sotomayor speaking at a 2005 [panel discussion](#) for law students. In that video, she said that a "court of appeals is where policy is made"—a candid rejection of the notion that a judge's proper role is to interpret the law rather than to create it. Then, remembering that the event was being recorded, Sotomayor added immediately: "And I know — I know this is on tape, and I should never say that because we don't make law. I know. O.K. I know. I'm not promoting it. I'm not advocating it. I'm — you know."

On May 26, 2009, a few weeks after Supreme Court Justice David Souter had announced that he would soon retire, President [Barack Obama](#) nominated Sotomayor to replace Souter.

According to a CNS News report, Sotomayor, during her Senate confirmation hearings in July 2009, had the following exchange with Republican Senator Tom Coburn of Oklahoma:

When [Coburn] asked ... whether citizens have a right to self-defense, ... Sotomayor told the Senate Judiciary Committee, "I don't know."

Coburn had asked, "As a citizen of this country, do you believe innately in my ability to have self-defense of myself – personal self-defense? Do I have a right to personal self-defense?"

In reply, Sotomayor said that, "I'm trying to think if I remember a case where the Supreme Court has addressed that particular question. Is there a constitutional right to self-defense? And I can't think of one. I could be wrong, but I can't think of one." She then went on to explain that self-defense rights are usually defined by state law.

Unsatisfied, Coburn continued, "But do you have an opinion, of whether or not in this country I personally, as an individual citizen, have a right to self-defense?"

Sotomayor responded, "I -- as I said, I don't know."

Later in the exchange, Coburn said, "I wasn't asking about the legal question. I'm asking your personal opinion."

"But that is an abstract question with no particular meaning to me," Sotomayor replied.

Sotomayor was confirmed by the Senate Judiciary Committee on July 28, 2009; was confirmed by the full Senate (by a 68-31 vote, with 9 Republicans voting in favor) on August 6, 2009; and was sworn in as Associate Justice of the Supreme Court on August 8, 2009.

On January 21, 2010, the Supreme Court (in a 5-4 decision) overturned this aspect of [McCain-Feingold](#) in a case called *Citizens United v. Federal Election Commission*. The Court ruling overturned two precedents: [Austin v. Michigan Chamber of Commerce](#), a 1990 decision that upheld restrictions on corporate spending to support or oppose political candidates, and [McConnell v. Federal Election Commission](#), a 2003 decision that upheld the portion of McCain-Feingold that restricted campaign spending by corporations and unions. Sotomayor voted with the minority in the 2010 case.

In February 2013, Sotomayor [lamented](#) what she described as "a deep and sorry vein of racial prejudice that has run through the history of criminal justice in our nation."

During a talk she gave at Yale Law School in February 2014, Sotomayor was asked about her use of the term "undocumented immigrants" to describe those who are sometimes called "illegal aliens." Asserting that the labeling of some immigrants as criminals seemed insulting to her, Sotomayor [said](#): "I think people then paint those individuals as something less than worthy human beings and it changes the conversation."

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Jennifer cuddy · a month ago [🔗](#)

I did enjoy Justice Sotomayor's talk very much. I was inspired by her many tips in regards to succeeding against the odds. When I worked in the Emergency Room at Johns Hopkins I was also immersing myself into a culture that, had I not chosen to work and live there, I might not have ever been exposed to. The typical patient was an African American living within the inner city vicinity in heart wrenching poverty. I grew tremendously as the result of it as I became acutely aware of inequality and the immense obstacles they would need to overcome in order to succeed. It changed my entire perspective of what it means to succeed. It increased my ability to truly empathize with people. It was the most rewarding job I had ever had. It is what led me ultimately to this class. I'd like to change things in the world for the betterment of all. This is my interest in the Law.

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Matthew Moss Signature Track · a month ago 

I enjoyed the content and the spirit of her remarks.

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[+ Comment](#)

Katie Sue Haire Norrell · a month ago 

I enjoyed the presentation but was a little disappointed in that it was more a personal presentation than one representing the position of a U.S. Supreme Justice.

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Maria Izabel Gomes Ssnt'Anna Signature Track · a month ago 

Actually, I agree with you. I would like to hear more about her votes in Supreme Court too.

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[+ Comment](#)

Josh Berdeaux · a month ago 

I found the "U.S. Supreme Court Justice Sonia Sotomayor Visits Yale" very instructive of Justice Sotomayor as a person. Something I had wondered about since she began her work on the Supreme Court. I appreciate having this video shared with us in this course.

I have always wondered about how and why people are where they are and how they got there and listening to her story gives an extraordinary sense of accomplishment in her life's pursuits.

Thanks for sharing this with us.

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[+ Comment](#)

Michael Hennessy · a month ago

I enjoyed reading the book by Justice Sotomayor. Very well written and an inspiration. So the Bonus material this week was ell worth waiting for !!

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[+ Comment](#)

Duncan Dokiwari · a month ago

Justice Sotomayor's bold and frank discussion about her life is commendable. She was not there on official capacity hence I did not expect her to touch on cases. I also do not think she was trying to promote her book. She was there as Sonia Sotomayor a Yale alum. There are a few lessons to draw from her openhearted account of her experiences. I was particularly impressed when she intimated that she is very competitive, but was not competing against anyone rather she was letting her ignorance/insecurities fuel her drive. A very remarkable lady.

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Lynda Zadeskey · a month ago

Thank you, Yale, for providing Justice Sotomayor's interview to your Coursera students. I was pleasantly surprised from Professor Resnick's opening remarks that the Justice's book would be only a "prompt" for her questions and took the interview in many directions. I took away some valuable information not only for myself but my teenage son. Finding your niche yet explore, ask questions yet stay connected. Don't be embarrassed by ignorance, compete with yourself. I liked the peek into the Supreme Court and how she entered a continuing conversation. Lastly, how her book was produced was enlightening. Good stuff!

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Cynthia M Thacker · a month ago

Justice Sotomayor gave an enlightening interview and presented important ideas which she used successfully in her own life and career. If a person makes mistakes but, instead of giving up, learns from those mistakes . . . look what can happen. As the Justice indicated - an idea or case is not thought of or decided instantaneously - there is a process and road to learning. It doesn't happen all at once or overnight. Consider The Constitution - it was written with an understanding and consciousness of the time - but times changed . . . and the document

needed amending. It didn't happen all at once, but the Foundation was Established for We The People. I came to learn, and I have . . . not all at once - but I have. I'm still on the road, and in the process.

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[+ Comment](#)

[Larry Lavenberg](#) · a month ago 

Justice Sotomayor is what America stands for, with all its scars, prejudices, and successes. Her personal story with its pointed suggestions for those looking for 'the way,' were penetrating.

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[+ Comment](#)

[Juan Torres](#) · a month ago 

Justice Sonia Sotomayor is a true inspiration to many people. Her determination and tenacity to succeed is admirable and her awareness at an early age that she was not competing against other students but rather against herself is a rare quality that not to many people, particularly young people, have in our society today.

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[+ Comment](#)

[Carol A. Kichen](#) · a month ago 

While I don't agree with her politics, I found the discussion very interesting and enlightening.

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[+ Comment](#)

[Maria Izabel Gomes Ssnt'Anna](#) Signature Track · a month ago 

I loved the interview and was impressed with her simplicity. No doubt, is a example of human being!

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[+ Comment](#)

[kendria phillina green](#) · a month ago 

After listening to the presentation, I decided to go to Barnes and Nobles to read the autobiography. It was definitely a good read. Very impersonal and I enjoyed the spanish words riddled throughout the

book....it kinda helped me with my spanish vocabulary.

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