

## **Miscellany 45: Is Sonia Sotomayor Racist? Is Sonia Sotomayor a Racist? Is Sonia Sotomayor a Liar?**

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Commentary on recent news, reading and events of personal interest.

### Some background on the Sotomayor controversy

President Obama's nomination of Sonia Sotomayor to the US Supreme Court has generated a firestorm of controversy. The controversy stems in large part from a remark she made in 2001 in a lecture at the University of California at Berkeley. In referring to former Justice Sandra Day O'Connor's statement that "a wise old man and wise old woman will reach the same conclusion in deciding cases," 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." The remark was made in the context of her saying that "our gender and national origins may and will make a difference in our judging."

In a post to his blog, Newt Gingrich commented, "Imagine a judicial nominee said 'my experience as a white man makes me better than a Latina woman.' Wouldn't they have to withdraw? New racism is no better than old racism. White man racist nominee would be forced to withdraw. Latina woman racist should also withdraw."

Rush Limbaugh's comments on Sotomayor were in the same vein: "The fact that she uses empathy, the fact that she is a racist and a bigot is perfect because, in Obama's world, it's permitted to be a racist and bigot if you're a minority because you have been discriminated against since the founding of the country, and it's about time that that was made right."

In defense of Sotomayor, President Obama accused Sotomayor's critics of twisting her words. In his weekly radio address of May 29, Obama stated: "There are, of course, some in Washington who are attempting to draw old battle lines and playing the usual political games, pulling a few comments out of context to paint a distorted picture of Judge Sotomayor's record. But I am confident that these efforts will fail."

Reuters' Caren Bohan had the following comments (May 30):

"Obama and his aides said on Friday that comment was taken out of context and that Sotomayor merely meant to make the point that varied life experiences can give judges valuable insights into the cases they analyze. But the White House also said her comment was poorly worded and that Sotomayor wished she had phrased it differently."

The following comments on Bohan's article were made by Steve Gilbert on the Sweetness and Light website:

"How is anyone "twisting" Ms. Sotomayor's words? They are being cited as they were spoken. Furthermore, what exactly is the context that would make her comments any less racist? She is a proud lifelong member of La Raza (The Race), for crying out loud. Every step of her career is tinged with racism."

In the June 1 edition of the *NBC San Diego Locals Only* website, Xana O'Neill writes the following:

Appearing on "Fox News Sunday," Republican Sen. Lindsey Graham said the comments Sotomayor made that a "wise Latina ... would more often than not reach a better conclusion than a white man" warranted an apology -- and that he didn't buy Obama's claim that she would have rephrased the comment if given the chance.

"What she said is that based on her life experiences is that she thought a Latina woman, somebody with her background, would be a better judge than a guy like me -- a white guy from South Carolina," Sen. Graham said. "It is troubling, and it's inappropriate and I hope she'll apologize."

The senator said Sotomayor has to "prove" that she could give somebody like him a "fair shake" in court and said she feels "superiority" over others.

But contrary to claims made by former House Speaker Newt Gingrich and conservative talk show host Rush Limbaugh, Graham said he did not believe Sotomayor is a "racist" for making the comment.

"I don't think she's a racist," Graham said. [End of O'Neill excerpt.]

#### My views in the matter

What is a racist remark? What is a racist? What is a sexist remark? What is bigotry? Loosely speaking, a racist or sexist remark is a "prejudicial" remark in which the assertion is made about a distinguishing feature of a group, but one that not all members of the group possess. A remark may be considered racist even if it is true, such as a news report that a rapist is black, or the admonition not to date blacks because they have a much higher HIV prevalence rate than whites. So what *is* racism? Is it simply standing up for your race, which is natural and reasonable? Is it like pornography, that you recognize it when you see it? Let's take a look at the dictionary definitions

From *Webster's New Twentieth Century Dictionary*, Second Edition, New World Dictionaries / Simon and Schuster, 1979:

Racist: (adjective) of or characterized by racism; (noun) a person who believes in the doctrine of racialism or who advocates or practices racism.

Racism: (1) racialism; (2) program or practice of racial discrimination, segregation, persecution, and domination, based on racialism.

Racialism: a doctrine or feeling of racial differences or antagonisms, especially with reference to supposed racial superiority, inferiority, or purity; racial prejudice.

Racial: of or pertaining to race, family, or descent; of or pertaining to the races of mankind; ethnological.

Race: (1) (a) any of the major biological divisions of mankind, distinguished by color and texture of hair, color of skin and eyes, stature, bodily proportions, etc.: many ethnologists now consider that there are only three primary divisions, the Caucasion (loosely, *white*

*race*), Negroid (loosely, black race), and Mongoloid (loosely, *yellow race*), each with various subdivisions: the term has now acquired so many unscientific connotations that in this sense it is often replaced in scientific usage by ethnic stock or group; (b) mankind. (2) a population that differs from others in the relative frequency of some gene or genes: a modern scientific use. (3) any geographical, national, or tribal ethnic grouping. (4) (a) the state of belonging to a certain ethnic stock, group, etc.; (b) the qualities, traits, etc. belonging, or supposedly belonging, to such a division. (5) any group of people having the same activities, habits, ideas, etc.; as, the *race* of dramatists. (6) a group of people having a common parentage; the descendants collectively of a common ancestry; family; clan. (7) (a) a breed; a stock; a large division or class, the species and gnerra of which are traceable to a common variety; (b) in zoology, a subspecies or variety.

Sexist: (adjective) of or characterized by sexism; (noun) a person who believes in, advocates, or practices sexism.

Sexism: the economic exploitation and social domination of members of one sex by the other, specifically of women by men.

Bigot: (1) a person who holds blindly and intolerantly to a particular creed, opinion, etc.; (2) a narrow-minded, intolerant person.

Bigoted: having the characteristics of a bigot; narrow-minded; prejudiced.

Bigotry: (1) obstinate or blind attachment to a particular creed; unreasonable zeal in favor of a party, sect, or opinion; excessive prejudice; intolerance; (2) the beliefs or practices of a bigot.

From the online edition of the American Heritage Dictionary:

Racism: 1. The belief that race accounts for differences in human character or ability and that a particular race is superior to others. 2. Discrimination or prejudice based on race.

Race: 1. A local geographic or global human population distinguished as a more or less distinct group by genetically transmitted physical characteristics. 2. A group of people united or classified together on the basis of common history, nationality, or geographic distribution: the *German race*. 3. A genealogical line; a lineage. 4. Humans considered as a group.

Sexism: 1. Discrimination based on gender, especially discrimination against women. 2. Attitudes, conditions, or behaviors that promote stereotyping of social roles based on gender.

Bigotry: The attitude, state of mind, or behavior characteristic of a bigot; intolerance.

Bigot: One who is strongly partial to one's own group, religion, race, or politics and is intolerant of those who differ.

Sotomayor has been a zealous promoter of Puerto Rican and Hispanic causes since her college days. Her comment about a Latina judge is patently prejudicial, biased toward both females and Latins. According to the dictionary definitions, Sotomayor is clearly a racist, sexist bigot.

This is based on her lifelong enthusiastic promotion of Hispanic causes, not simply on one racist, sexist remark. It should be noted, however, that all people exemplify the definition of racism with respect to things that they consider important. All people are intolerant with respect to some things. I, for example, am intolerant of those who are destroying the planet. I do not believe that women should fight in battle. I do not approve of, and am intolerant of, the human race's causing the extinction of an estimated 30,000 species per year, through its massive numbers and industrial activity. According to the definition, I, too, am a racist, sexist bigot. In a general sense, or in particular individual contexts, all people are racist, sexist bigots. The issue is whether, in the context at hand, this makes a significant difference.

For my views on planetary management I have been charged with being a "racist, sexist bigot." (See my article "Am I a Racist?" at <http://www.foundationwebsite.org/AmIARacist.htm> for my response to this charge.) All human beings are racist, sexist bigots. It is a fundamental part of their nature, and the nature of all living creatures. Human beings are causing the extinction of an estimated 30,000 species every year, and are the most perniciously racist creatures on the planet. Most people view the term racist as a pejorative, and do not realize that the term applies to all people in some context. People call me a racist because they do not wish to hear my views that large human numbers and industrial activity are destroying the biosphere, that they cannot refute my assertions about this, and they resort to *ad hominem* attacks.

In my view, all human beings have some feelings about their identity – sexual, racial, ethnic, linguistic, national, regional, religious, collegial, professional, vocational, avocational, familial. This is associated both with groups into which we were born (e.g., race, sex, nation) and those we choose to join (e.g., political parties, social groups, companies). This is natural and healthy. Also, many of our prejudices are quite rational. The practice of racial profiling is a logically sound and economically efficient means of catching criminals, and is supported by scientific theory (Bayesian statistics, statistical decision theory, search theory). By our logical nature, we all have racial profiling programmed into our genes, brains, intuition and behavior. From one point of view, Sotomayor's comments are no different from similar views that all people have. Based on Sotomayor's experiences, it is a rational opinion 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. The rulings of such a judge would probably be biased in favor of Latinas with similar experiences (or else there would be no basis for Sotomayor's remark), and this would certainly make her a better judge in Sotomayor's view. Does this make Sotomayor a racist, sexist bigot? Of course. But we all are.

Obama has tried to convince the public that Sotomayor is not a racist. He asserts that she didn't really mean what she said. But she meant exactly what she said! Her remarks were part of a formal, prepared (written) speech presented at the University of California's Berkeley School of Law, as part of Berkeley's annual Judge Mario G. Olmos Law and Cultural Diversity Lecture. It is impossible to imagine that her words were not carefully considered, and did not express exactly what she meant – she is an articulate woman, whose professional career (law) focuses on careful expression of ideas. Her entire life, since college days, has been one of a racial activist. In college at Princeton, she was head of Acción Puertorriqueña, a Latino organization, and she filed formal complaints about the lack of Hispanic professors and staff. She was a board member of the Puerto Rican Legal Defense and Education Fund. Between 1999 and 2003 she was a member of the National Council of La Raza (The Race), the Hispanic advocacy group that promotes Hispanic racial and ethnic positions over those of other racial/ethnic groups, including illegal immigration by Hispanics. Obama's assertion that Sotomayor is not a racist is disingenuous at best and a dissimulating lie at worst. Sotomayor's

comment is racist and sexist, and her lifelong activities show that she is in fact a profound racist. If she were now to deny her position, it would prove her to be a liar as well.

What about Senator Graham's position that she should apologize? Apologize for what? For promoting the position of Hispanics and Puerto Ricans? For believing that an experienced Latina judge is a better judge than an experienced white male judge? We all support and promote groups to which we belong, to a greater or lesser extent: Jews promote Judaism; Catholics promote Catholicism; blacks promote black-interest groups. This is blatant racism, but it is quite accepted. Should Sotomayor issue the standard apology of politicians that she regrets that some people were offended by her remark? Or that she is sorry she voiced the remark (even though she believes it to be true)? Or that she "could have phrased her words differently," or that she "misspoke"? Or should she apologize for being a racist, sexist bigot, as she and all the rest of us are? Should she apologize for being a human being who, like Jimmy Carter who has lust for women in his heart, has racism in her heart? Or should she not apologize at all, asserting that her view is reasonable, even though it is racist, sexist and bigoted.

On June 30, the White House issued a statement trying to tone down the furor over Sotomayor's remark. Here follows the Associated Press report on this:

May. 29, 2009 02:49 PM  
Associated Press

WASHINGTON - In a bit damage control, the White House on Friday said Supreme Court nominee Sonia Sotomayor acknowledges she chose her words poorly by saying in 2001 that a female Hispanic judge would often reach a "better" conclusion than a white male judge.

"I think if she had the speech to do all over again, I think she'd change that word," presidential spokesman Robert Gibbs told reporters.

The quote in question from Sotomayor has emerged as a rallying call for conservative critics who fear she will offer opinions from the bench based less on the rule of law and more on her life experience, ethnicity and gender. That debate is likely to play a central role in her Senate confirmation process.

The new episode also underscores the scrutiny that Sotomayor's words will receive — and how the White House will respond to try to stay on message.

The comment came in a lecture, titled "A Latina Judge's Voice," that Sotomayor gave in 2001 at the law school of the University of California, Berkeley.

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." That came in the context of her saying that "our gender and national origins may and will make a difference in our judging."

Since Tuesday, when President Barack Obama announced Sotomayor's nomination, the White House had answered questions about Sotomayor's comment by telling reporters to read the speech and not dwell on one sentence.

That changed on Friday, when Gibbs was asked about it again. The White House clearly had a new message.

"I've not talked specifically with her about this, but I think she'd say that her word choice in 2001 was poor," Gibbs said at the end of his daily briefing.

"She was simply making the point that personal experiences are relevant to the process of judging, that your personal experiences have a tendency to make you more aware of certain facts in certain cases, that your experiences affect your understanding," Gibbs said. "I think we agree with all that."

Asked how he knew Sotomayor wished she would have chosen a different word, Gibbs said he learned that from talking to people who talked to her.

Sotomayor appears headed for confirmation, needing a majority vote in a Senate, where Democrats have 59 votes. But beyond the final vote, White House officials are pushing for a smooth confirmation, not one that bogs down them or their nominee. Plus, Obama wants a strong win, not a slim one.

More than one line in the 2001 speech has helped drive the debate over Sotomayor's judgment.

She also said, for example: "Personal experiences affect the facts that judges choose to see."

"My hope is that I will take the good from my experiences and extrapolate them further into areas in which I am unfamiliar," she said. "I simply do not know exactly what that difference will be in my judging. But I accept there will be some based on my gender and my Latina heritage."

In announcing Sotomayor, Obama said he wanted a judge who would "approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice." But he also called her life experience essential, saying she had an understanding of "how ordinary people live."

[End of AP report.]

Obama told NBC news on May 29, "I'm sure she would have restated it."

In their efforts at "damage control," Obama and Gibbs are treading on dangerous ground. As I noted earlier, Sotomayor's remark was part of a speech given to a law group as part of an annual address at the Berkeley law school. Why would she change her words, or restate her remark? There are several possibilities here, and none of them is very attractive: Either she meant what she said, but did not express it well; or she did not mean what she said; or she changed her mind; or she is lying. If she believed and still believes what she said and were to restate it, it would reveal that she cannot express herself well, even in making prepared remarks for an important speech to colleagues. Under these circumstances, if she did not mean what she said, she was either very confused or lying. If she has changed her mind, she would probably say so. But this would reveal that she does not hold to carefully thought-out positions, and would fly in the face of her life-long promotion of Hispanic interests. She would surely sense that this is not what we are looking for in a Supreme Court judge, and therefore would not do it. It would appear that almost any rewording she might make at this point would reveal ineptness, insincerity, inconstancy, dissimulation, or lying, or some combination of these. She would be well advised to keep her mouth shut on this issue. Whatever she might say to

“explain” or “justify” or “clarify” her remark puts her in a bad light – much worse than being a racist, sexist bigot. We could never in the future trust anything she said, even her most carefully thought-out position on an important issue. She would be far better off holding to her original position, and standing by her carefully thought-out expression of it.

On a number of occasions I have written about the fact that only white men can be racist. The fact is, all people think the same way that Sotomayor does, and that is natural, healthy and fine. The thing that is really annoying is that the charge of racism is leveled almost exclusively against white males, when all people have similar feelings. Minorities can make all the racist remarks they wish, and get away with it. Witness Obama’s assertion that people are twisting her remarks, and that “she could have said it better.”

The really disconcerting and perhaps alarming aspect of this seemingly minor incident is that white males are incredibly frustrated, incensed and enraged over it – even more so than over affirmative action, which is blatantly illegal government-forced discrimination. Our President is asserting that racist, sexist remarks are to be overlooked when they come from an Hispanic woman, but not from a white man. There are many who will not condone this view or forgive him for it. On this position more than any other, he is angering a large segment of the American people, and placing himself in grave danger. Obama is attacking Northern European culture, and it is unlikely to ignore the offense.

So, is Sonia Sotomayor racist? Is Sonia Sotomayor a racist? Yes, she is a racist, sexist bigot. We all are, to a greater or lesser extent. The fundamental issue of interest here is not whether she is a racist, sexist bigot – which has been established beyond doubt – but whether her racism and sexism and bigotry disqualify her from service on the US Supreme Court. If we want an activist judge who will make good decisions for Latinas, then the answer is clearly no. That is the “diversity” and “inclusiveness” and “empathy” that Obama is seeking. If we want someone to preserve the Northern European culture that founded this country and made it great, then the answer is yes. Sotomayor’s seemingly innocuous remark in fact strikes at the heart of traditional US culture.

Did Sotomayor mean, feel, and believe what she said, and express it well and as she intended? Yes, in my opinion she meant exactly what she said, and she expressed it very well. Does Sotomayor wish she had chosen a different word, as Robert Gibbs has asserted that her friends told him? (Obama’s quip, “I’m sure she would have restated it,” doesn’t really say anything, as he no doubt intended.) From the point of view of gaining confirmation to the Supreme Court, she very well may. Almost anyone desirous of high office would. Had she never given the speech and made the remark, the present controversy that endangers her confirmation would probably not exist, and yet her past career path and life would not have been adversely affected. From the viewpoint of expressing her feeling, belief and meaning better, she surely does not wish that she had chosen a better word. In my view, she expressed very articulately exactly what she meant, felt and believed. She could have chosen different words or sentences to express her meaning, but there would have been no reason to – the way that she said it expressed her views very eloquently. Furthermore, I see no reason to conclude from the activities, consistency and constancy of her life that she has changed her views in the matter. If she were to deny her original statement, I would conclude not that she simply changed her mind on such a fundamental and considered issue, but rather that she was a liar, and willing to say anything to get the job. To her credit, she has not done so, and I do not believe that she is a liar, to answer the question that I asked in the title to this piece. She is simply a racist, sexist bigot, as we all are, as all human beings are, as all biological life is.

In the interest of diversity, President George H. W. Bush nominated Clarence Thomas to the Supreme Court, and Congress confirmed the nomination. Clarence Thomas, with limited qualifications, was selected over Robert Bork, with superb qualifications. It appears, given the predominance of Democrats in Congress, that Sotomayor's confirmation is assured. The leaders of the US government, and their controllers, do not want a justice on the Supreme Court who will preserve the system of Northern European culture in this country; they want someone who will work for its destruction. For this, Sotomayor is an excellent choice. She will vote in favor of illegal immigration, for a "path to citizenship" for illegal aliens, and for anything else that promotes Hispanic interests and works to destroy the hegemony of Northern European culture in the United States. Her brand of racism, sexism and bigotry is just the kind that is needed to nurture and promote the decline and fall of the United States of America.

[Update 4 June 2009.] It was reported yesterday (June 3) that Newt Gingrich has "recanted" his position that Sotomayor is a racist. Here follows the Washington Post's report on this:

Former House speaker Newt Gingrich on Wednesday retracted his Twitter comment calling President Obama's Supreme Court nominee, Judge Sonia Sotomayor, a "racist," writing in Human Events that the word "should not have been applied" to her "as a person."

"White man racist nominee would be forced to withdraw. Latina woman racist should also withdraw," Gingrich wrote on the social-networking site on May 27 -- a remark that has become a flashpoint for criticism of conservative efforts to undermine the standing of a nominee who seems likely to be confirmed.

In his Human Events article, Gingrich sought to retract that remark while continuing to press his case against Sotomayor's legal thinking as overly reliant on identity politics.

"Shortly after President Obama nominated her to a lifetime appointment to the Supreme Court, I read Judge Sonia Sotomayor's now famous words," he wrote of the passage in a 2001 speech by Sotomayor that, "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."

"My initial reaction was strong and direct -- perhaps too strong and too direct," Gingrich continued. "The sentiment struck me as racist and I said so. Since then, some who want to have an open and honest consideration of Judge Sotomayor's fitness to serve on the nation's highest court have been critical of my word choice.

"With these critics who want to have an honest conversation, I agree. The word 'racist' should not have been applied to Judge Sotomayor as a person."

[End of Washington Post excerpt.]

It is curious why Gingrich has retracted his remark. Her remark was clearly racist and sexist, and she has not repudiated it. If a person makes racist, sexist remarks and stands by them, then that person is racist and sexist, and a racist and sexist "person." This follows directly from the definitions of racism and racist. Would Gingrich also separate Hitler from his remarks, or Jesus Christ from his remarks? Does Gingrich not believe that Sotomayor stands by her remark? Why does Gingrich now assert that the term "racist" should not apply to Sotomayor as a person? Unlike Sotomayor, whose remark was carefully considered, Gingrich may be



pardoned for making an ill-considered, offhand remark. Is this what he did? Or did someone “get to him”? It would be interesting for him to elaborate.

One offhand racist remark does not a racist make. In my view, we are all racists – all that differs is the kind and degree. There are various kinds of racists -- overt racists and closet racists and racists-in-denial. There are racists such as Hitler and the Ku Klux Klan who are passionate about it and take action about it. Judge Sotomayor made a carefully considered overtly racist and sexist statement and presented it in a prepared speech to a law group in a celebrated lecture. She stands by her statement. By her words and her standing by them, she is a profound and committed racist / sexist. By her dedicated, significant and lifelong actions in support of Hispanic causes, she is a manifest and powerful racist. Sotomayor is a professed, activist and effective racist. In the interest of inclusiveness, diversity and representation, President Obama wants her on the Supreme Court. All members of the Court are racist, since all people are. The only differences are in type, degree and capability. Obama wants a capable Hispanic racist on the Court, and, given Sotomayor’s record of accomplishments in this respect, she is a very good choice.

[End of June 4 update.]