



Written by [Selwyn Duke](#) on April 25, 2014

Affirmative-action Baby Sotomayor's Conflict of Interest

One day while serving as a fill-in host for radio giant Rush Limbaugh, black economist Dr. Walter Williams related an interesting personal story about affirmative action. He said that as a young man he declined an offer of a professorship at a prestigious Ivy League university, explaining to the institution that, since he wasn't qualified on paper, it would be obvious he was hired only because of his race. And when he later accepted a position at George Mason University, he said to the interviewer (this is a close-to-verbatim paraphrase), "If I find out you hired me based on affirmative action, I will quit on that day." What integrity.



Having said this, what Williams exhibited is perhaps what they call in informed theological circles "heroic virtue." I don't really blame minorities and women for availing themselves of opportunities offered. William F. Buckley once explained his reasoning behind participating in programs you disapprove of by saying he believed that, in a democracy, you accept the determinations of the majority — unless those determinations become tyrannical. My reasoning is a bit different: You have to suffer because of the ways in which the system is disadvantageous to you, so there's nothing wrong with benefiting from the ways in which it's advantageous to you (as long as you're not committing a grossly immoral act in the process). But there is one condition:

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You not vote to perpetuate the bad system.

This brings us to Supreme Court Justice Sonia Sotomayor. She made quite a stir with her dissent from the majority on Tuesday's high-court ruling upholding a state's right to ban racial preferences in university admissions. She also made a fool of herself. If only we had a society that still recognized, and stigmatized, genuine foolishness.

But this is no surprise since Sotomayor once [called herself](#) a "perfect affirmative action baby" and admitted, "My test scores were not comparable to that of my colleagues at Princeton or Yale."

But I guess that as with alcoholics, this was just a "moment of clarity." Just consider what Mike Gonzalez, a vice president of the Heritage Foundation, [reported](#) in the *New York Post* about what transpired when a prestigious law firm came looking for talent at Yale:

One partner in the firm asked her [Sotomayor], "Would you have been admitted to the law school if you were not a Puerto Rican?"

Sotomayor didn't react well, lodging a complaint with Yale. The firm had to apologize to the university, lest it lose its coveted right to recruit at the nation's top law school.

But what on earth did Sotomayor expect? What else did she think could possibly result from racial



preferences?

For sure. We can play pretend, but profiling, which Dr. Williams has [described](#) as “a method to economize on information costs by using easily observed physical characteristics as a proxy for some other characteristic more difficult or costlier to observe,” is something we all employ. If people needed a brain surgeon to operate on their child, might it not occur to them that any women or minority doctors could be affirmative-action babies and, just perhaps, not fully qualified? This is just one of the many consequences of AA (which henceforth I’ll call “institutionalized discrimination” or “ID”).

But the more significant point is that Sotomayor saw fit to lodge a formal complaint against a person simply because that individual inquired about something that she herself acknowledged. Along with her judicial history, it indicates that Sotomayor is sensitive about her ID-baby status. It bespeaks of her conflict of interest.

It’s a conflict of emotional interest. Remember when I said that we could participate in a bad system as long as we didn’t vote to perpetuate it? Unfortunately, most people aren’t capable of this; they generally will try to justify that which benefits them or for which they have an affinity. It’s as with a homosexual judge ruling on faux marriage, or a man I knew who had been unfaithful to his wife and one day blurted out, quite unexpectedly, “What’s wrong with sex?!” — and it’s as with Sonia Sotomayor.

One can only imagine her feelings of inadequacy. She knows ID greased the skids her whole career, at Princeton and Yale, when seeking jobs in law, and when Barack Obama chose her for the Supreme Court based on her sex and ethnicity.

And both this ID-born hang-up and ID-enabled incompetence were on full display during Sotomayor’s ridiculous dissent. As Mike Gonzalez also wrote:

She sought, for one, to equate affirmative action with voting rights, which didn’t fly. More interestingly, she also vainly tried to read this policy into the Constitution....

The Constitution, she wrote, “guarantees that the majority may not win by stacking the political process against minority groups permanently, forcing the minority alone to surmount unique obstacles in pursuit of its goals — here, educational diversity that cannot reasonably be accomplished through race-neutral measures.”

So a level playing field is “stacking the political process” and constitutes “unique obstacles”; Sotomayor also believes that “diversity” is a compelling state interest even though it has never been explained why it should be any kind of interest.

But Sotomayor is tame compared to ID Baby 2.0 (or are we up to 8.0 now?). As Dennis Prager recently [wrote](#) citing an *Atlantic* article:

“On March 24, 2014 at the Cross Examination Debate Association (CEDA) Championships at Indiana University, two Towson University students, Ameena Ruffin and Korey Johnson, became the first African-American women to win a national college debate tournament, for which the resolution asked whether the U.S. president’s war powers should be restricted. Rather than address the resolution straight on, Ruffin and Johnson, along with other teams of African-Americans, attacked its premise. The more pressing issue, they argued, is how the U.S. government is at war with poor black communities.”

In the final round, Ruffin and Johnson squared off against Rashid Campbell and George Lee from the University of Oklahoma, two highly accomplished African-American debaters with distinctive



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dreadlocks and dashikis. Over four hours, the two teams engaged in a heated discussion of concepts like ‘nigga authenticity’ and performed hip-hop and spoken-word poetry in the traditional timed format. At one point during Lee’s rebuttal, the clock ran out but he refused to yield the floor. ‘F— the time!’ he yelled.

F— the time — and society and all inconvenient limits, I suppose. And should some of these individuals become lawyers, we can only imagine what they’ll say about constitutional limits.



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