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Sunday, July 5, 2009

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BY ROD BLUM FOR THE TH

 LISTENNOW

Frank Ricci is a Connecticut firefighter who quit his second job so he could study up to 13 hours per day to take the New Haven Fire Department's exam for a promotion to captain. Frank happens to be dyslexic, so he paid someone to read his textbooks onto tapes. There were eight positions available and Frank finished with the sixth-highest score out of 77 applicants.

But City Hall decided to DENY Frank and the other top seven firefighters their earned promotions when they threw out the results because no African-American applicants passed, even though the exam had been carefully reviewed to ensure race neutrality.

Frank was among 18 firefighters who sued the City of New Haven for racial discrimination in *Ricci v. DeStefano*. The district court issued a summary judgment against the firefighters. They appealed that decision to Judge Sonia Sotomayor's court -- she sided with the City of New Haven. Sotomayor not only wrongly denied justice to the firefighters but arrogantly did not give the firefighters even the courtesy of spelling out the reasons for her decision. Earlier this week, the Supreme Court ruled in favor of the firefighters, reversing the poor decision by Sotomayor.

I think most of us would agree that a judge's job is to interpret the law, not to make it. As the oath of office states, all judges swear to "administer justice without respect to persons and do equal right to the poor and to the rich." Contrary to this solemn oath, Obama wants his judges to have "empathy," which is code for he wants judges to look at a person's race and net worth instead of the merits of the case. There is a reason Lady Justice wears a blindfold!

During a 2001 speech, Sotomayor said, "I would hope that a wise Latina woman with the richness of her experience would more often than not reach a better conclusion than a white male who hasn't lived that life." These words are, in my opinion, prejudiced in nature and may suggest she is an ideologue. Even my liberal friends agree that if a white male had said this, he would be forced to withdraw his nomination. This double standard has no place in America.

The Second Amendment, which guarantees citizens the right to bear arms, is apparently not settled law in Sotomayor's mind. Last year, the Supreme Court ruled that Second Amendment rights apply to individual citizens in their private lives. Since that decision, the issue whether the Second Amendment applies to the states has surfaced. If the court finds it doesn't apply to states, then individual states could take away gun owner's rights. Sotomayor is one of only three federal appellate judges to issue a court opinion saying the Second Amendment does NOT apply to states. Gun owners, beware of Judge Sotomayor.

The respected Cato Institute said that "Judge Sotomayor is not one of the leading lights of the federal judiciary and would not even have been on the shortlist if she were not Hispanic. She has a mixed reputation, with a questionable temperament and no particularly important opinions in over 10 years on the Second Circuit."

Sotomayor's nomination is yet another indicator of Obama's vision of an over-reaching all-powerful government. Conservatives champion limited government due to the fact the Constitution was structured in such a way as to counteract the natural tendencies of man to

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abuse the power of government. It is GOVERNMENT that can most methodically and blatantly limit life, liberty and the pursuit of happiness. If judges improperly interpret the Constitution, we are less free. Americans don't want empathy from their judges -- they simply want justice.

Blum, chairman and chief executive officer of Digital Canal Corp., is a former chairman of the Dubuque County Republican Party.

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