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SUPREME COURT

**Court Watch: Affirmative Action, Baby**

By *Garance Franke-Ruta*

• Tom Goldstein of SCOTUSblog [takes to TPM](#) to argue that it's over. "Basically before it ever started, the fight over the confirmation of Sonia Sotomayor is done. She is going to be confirmed by a relatively wide margin and without a substantial, mainstream assault on her credentials or suitability for the bench," he writes.

• Patrick J. Buchanan, [writing in Human Events](#), suggests Republicans still have a lot to gain by politicizing the Sotomayor nomination, even if they can't keep her off the bench. "What are the grounds for rejecting Sonia Sotomayor? No one has brought forth the slightest evidence she has the intellectual candlepower to sit on the Roberts court," he writes in the article, "Miss Affirmative Action, 2009." "By her own admission, Sotomayor is an 'affirmative action baby.'... her academic career appears to have been a fraud from beginning to end, a testament to Ivy League corruption."

Later, he echoes a theme earlier put forward by Republican National Committee chair Michael Steele, that white men ought to fear Sotomayor. "To salve their consciences for past societal sins, the Ivy League is deep into discrimination again, this time with white males as victims rather than as beneficiaries. One prefers the old bigotry. At least it was honest," Buchanan writes. "...For Sotomayor, the advancement of people of color over white males is justice."

• Cato Institute vice president Gene Healy earlier this week [gave a libertarian assessment of Sotomayor](#) in The Washington Examiner. His conclusions: "When it comes to checking government power, Sotomayor's record is pretty poor. Civil libertarians can't be happy with her pro-police orientation: The former prosecutor has backed law enforcement in more than two-thirds of criminal cases that she's heard."

"Her record on property rights is no more promising," he continues, later adding that there are hints "that Sotomayor won't be as pro-executive as recent GOP nominees" and that, on the plus side, "For all her faults, it's unlikely that Sonia Sotomayor will be a pushover for any wartime president. Constitutionalists and civil libertarians should take comfort in the fact that it could have been worse."

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