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# Analysts See Politics In Obama's Nomination Of Hispanic Woman To Court

by Andrew F. Tully

WASHINGTON -- In the 220 years the U.S. Supreme Court has existed, only four of its judges have not been white men: just two African Americans and two women have ever served on the highest court in the land.

Both those numbers may be about to increase. On May 25, President Barack Obama announced his nominee to fill a vacancy on the court - a highly respected federal judge who is both a woman and a member of an ethnic minority. Sonia Sotomayor is a 54-year-old Hispanic American whom Obama said he chose for her "a rigorous intellect [and] mastery of the law."

Obama's choice has been praised by many and criticized by some. One of the biggest questions being asked is whether Obama -- himself a member of a minority -- placed too much value on ethnicity and gender in his choice for a court that's supposed to deliver blind justice.

No, says Robert Spitzer, a professor of political science at the State University of New York at Cortland. Spitzer says that some observers may feel that Obama is trying to fill a quota, but it's important for the court to reflect the country's different populations.

"There are today many well-qualified people to serve on the Supreme Court who fall into many, many different categories," Spitzer says.

"There are now many highly respected women jurists, there are now many Latinos that are in the federal court system or that are considered otherwise well-qualified to serve on the Supreme Court. There are people in other political walks of life -- governors and others -- who happen to fall into the category of 'other than white male.'"

## Political Move

Spitzer says the presence of Sotomayor -- who he believes is well-qualified -- on the court probably won't make much if any difference in the way the court rules. He notes that both she and Justice David Souter -- the man she would replace if confirmed by the Senate -- are both politically liberal.

David Boaz, the executive vice president of the Cato Institute, a private policy-research center in Washington, agrees that Sotomayor probably won't change the court's dynamics much, but he said he is uncertain about her qualifications.

Boaz points out that the chief duty of a Supreme Court justice is to follow the Constitution and the law. He

says that from his understanding of Sotomayor's record, she may be brilliant, but he believes she tends to render judgments based not on the law, but on her individual sense of justice.

And while Boaz accepts that virtually everything done by a politician is political, he thinks Sotomayor's nomination going beyond merely ensuring that the court somehow reflects the ethnic diversity of the United States.

"I think this is a political nomination. Latinos vote heavily Democratic, but not as heavily, for instance, as African-Americans," Boaz says.

"And I think the Democratic Party would like to get a stronger lead in the Latino community, and they do believe that appointing the first Latino -- or Latina -- justice on the Supreme Court will help to solidify the support of Latino voters for the Democratic Party."

### **Hispanic Vote**

While it's true that Hispanics tend to support Democrats, many of them are steadfast Republicans because as Catholics they agree with the Republican Party's conservative views on social issues like abortion and homosexuality.

In fact, Hispanics make up a large voting bloc in Texas, the state where Bush's son, former President George W. Bush, once served as governor. The younger Bush was proud of the support he enjoyed among Texas Hispanics, and he won a fair amount of the Hispanic vote during his first run for the presidency in 2000.

By nominating Sotomayor, is Obama hoping to win enough support from Hispanics to make Texas a state that he could win if he runs for reelection in 2012?

Spitzer believes so. He says that when Obama ran for president in 2008, he attracted more Hispanic votes in Texas than previous Democratic candidates for that office in recent elections.

"It certainly could be one symbol of the Democratic Party's effort to reach out to Latino constituencies, which is very significant in a state like Texas," Spitzer says, "and it could well be a small but notable factor to contribute to the ability of Democrats to make a stronger appeal to ethnic communities in Texas, for example, and, you know, maybe result in the re-emergence of the Democratic Party as more competitive in a state like Texas."

Boaz agrees, and attributes the problem for the Republican Party of having a dwindling geographical influence because of its hard-line ideology on social and security issues.

It's important for Republicans to expand their ideological base, Boaz says, and to appeal to a wider demographic range of people. After all, he says, the United States is a far more diverse country in every way than it used to be.

"Nevertheless, I think what they [Republicans] have to sell is their commitment to smaller government, a stronger economy, and the rule of law," Boaz says.

"And so I think that we will see a lot of rulings that Judge Sotomayor has made that don't comport with the rule of law, and Republicans will want to be seen as opposing those kinds of rulings and raising serious questions. I think most Republican senators are going to ask very tough questions about this nomination."

Obama says he would like Sotomayor's confirmation hearings to take place in time for her to be seated when

the court begins its new term, on October 5.

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