***Sonia Sotomayor***

**Associate Justice of the Supreme Court of the United States of America**

**KSU Landon Lecture Series - January 27th, 2011**

**(Full lecture: http://www.k-state.edu/lectures/landon/bio/sotomayor11.html)**

**Excerpt: Justice Sotomayor’s answer on the existence, significance, and need of Affirmative Action**

**Question**

**Judge Tacha:** Justice, when I went to law school, and even when you went to law school, it would have seemed very unlikely that either of us would be here in the capacity that we are. Many gains have been made in bringing diversity to all aspects of the economy and certainly to the bench. The students, however, are interested in your viewpoint, to the extent that it's appropriate, about affirmative action and where we've come and where we might be, and sort of what effect that's had on society and on the courts in specific.

**Justice Sotomayor’s Answer:**

Affirmative action is a buzzword that bristles with many people. People who have heard me use it in some speeches in the past in context, have understood that I give it my meaning and not the meaning that creates the bad reactions in so many. In so many, affirmative action means “quotas”. And the definition of “quotas” is that you take unqualified people to fill a position and you bypass qualified people.

When I was growing up, it was the beginning of affirmative action, and at the time it had a very different connotation. It was a connotation in the society that there were social structures that had been built around pre-conceived notions that excluded women and minorities from participating fully in the society. I'll give you an example of this and the lesson I understood from it. When I was a DA, you started out in the lower misdemeanor court handling petty crimes and you eventually moved up to try felonies. Bob Morgan at the time didn't move everybody up in a given year. He would move people up in waves. In the first group to be selected, there were five bureaus with rookie DA's that were selected to move up first. Four were men and one was a woman, me.

Now, when I read that, the office was half women and I thought to myself: “Is this a little bit skewed?” and “Why is this skewed?” Because I had watched the women, and to me they seemed to be performing as well as the men, and I kept thinking about it and I knew that the people that I worked  with weren't consciously sexist. So what was going on? And I realized after a while that what it is is that, if all you have is male supervisors who have been very successful in prosecuting, that their image of success by definition is going to be a male image. The people they're going to be most impressed by are people like them, and they might have a slightly more difficult time seeing that the quieter woman might be just as effective, but in a differentway. And in fact thatwas the case, because women were promoted andsome of them eventually started trying as many high-profile cases as  men, and many ofthem became supervisors over time.

So what did that teach me, or what's the lesson I took from that? It's the lesson that I took from affirmative action and the one that I understood from affirmative action as I understood it: Which was that it was a conscious choice by society to understand that the norms of selection it had set up were influenced by a system that excluded others. By that I mean that if all the people you hire are people who go to prep schools, and most minorities don't go to prep schools, you're not going to have any minorities in your school. So you have to sit down and say: “What is it about prep schools? What do they teach and how?” What is it about the students who go there and their ways in which they succeeded? And translate and move out of the security of picking people from prep schools and say: “I'm going to try other schools and see if they give me students of the same quality.”

I went to one of those high schools. I went to a college-prep school in the Bronx, a Catholic school. But virtually nobody from my school had gone to an Ivy League school. The first was the friend who helped me get into Princeton. I followed him. And the doors to the Ivy Leagues looking at my high school as a feeder school opened. But that was because of affirmative action, because the school understood that its regular patterns had to be expanded. And that to me is what the real affirmative action is, making people sensitive to why they're making choices, to be thinking more broadly about the criteria, and how it can be applied in different settings.

So I think we've made a huge amount of gains in that area. But I do think we still have structural problems in the society that have to be addressed before we reach full equality. For me the most important of those is education. We can't 1ive in a society where the poorest children are the poorest educated. We just can't. That's a structural issue that has to be addressed by the society because in my own community, the Hispanic community as you know, we have the highest dropout rate of any other group than perhaps the Native Americans.

A lot of that can be tied to the reasons why we haven't reached an equality comparable to our presence in the population. We don't have enough college graduates, we don't have enough professionals competing for those jobs that are important in the society in terms of economic growth. So we've come very, very far, but we still have fundamental structural issues that we have to fix before we can reach equality. -