

**My Beloved World**, by Sonia Sotomayor. New York: Alfred A. Knopf, 2013, 315 pp., \$27.95 hardbound.

### **Horatio Alger with Affirmative Action**

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Poor kid makes good. It's an old story—maybe the quintessential story of America. *My Beloved World*, the new memoir by Sonia Sotomayor, is a charming addition to the genre. What gives it unusual interest is that the author is a Supreme Court justice of Puerto Rican descent who (by her own admission) has benefited from racial preferences—and it is published just as Sotomayor and her fellow justices are weighing a new constitutional challenge to racial preferences in college admissions in *Fisher v. University of Texas*. *My Beloved World* is interesting both for what it

says and what it does not say about race relations in America today.

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In classic fashion for a Horatio Alger story, Sotomayor begins her memoir with a gripping incident highlighting the difficulties she faced. Her parents are fighting—as usual—but this time her mother is raging at her father because his alcoholism now makes him tremble so badly that he cannot administer the insulin shot that the diabetic seven-year-old Sonia needs every day. Determined that her parents at least not fight over her, Sonia picks up the needle and, with guidance from her mother (herself a practical nurse whose work schedule does not always permit her to administer the shot), she learns to inject the shot herself. From this experience Sonia learns a most important lesson: she can't rely on others but must care for herself.

Succeeding pages reveal more adversity. Her father dies from his addiction when Sonia is nine and her brother Junior is six. Her mother's income barely sustains an adequate living. Her father's death ends her parents' rows, but her mother grows distant, withdrawing to her bedroom for hours until Sonia finally bangs on her door and insists that her

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mother rejoin her children. Her South Bronx neighborhood is plagued by crime and drugs.

Still, there is much that's positive in Sonia's childhood. Above all is her Abuelita—"little grandmother"—who gives Sonia the unstinting love that her remote mother withholds. Abuelita's nearby apartment is also the gathering place of her warm and lively extended family. The emphasis on Abuelita eventually seems excessive, however, because, as Sotomayor acknowledges, there is much more that puts and keeps her on the right track.

Despite his problems with alcohol, Sotomayor's father had worked steadily at various jobs, including as a bookkeeper in a radiator factory. A far better cook than his wife, he made the family a good dinner each evening. Although he retreated to his room to drink after supper, he never mistreated the children. He took Sonia on weekly outings to buy groceries, showing her the myriad details of how to do it right. In some ways, he was a good father.

Although Sonia's "Mami" is cold, she is conscientious; their home is orderly and stable. Sonia suffers none of the chaos and neglect so common among poor children. Mami often employs corporal punishment, which Sotomayor feels may have been beneficial. Her mother had little schooling, but

education is her priority for her children. And despite her meager income, Mami pays for the children to attend Blessed Sacrament elementary school rather than go to the violent, dysfunctional local public school. Later Mami scrapes together the money to buy the gift Sotomayor remembers best from childhood: a complete *Encyclopedia Britannica*.

Blessed Sacrament is no utopia. It stresses rote learning, backed by whacks of a ruler to the hands of those who err. Nonetheless Sonia's teachers recognize her abilities and she makes good grades. Goals are somewhat loftier at Cardinal Spellman High School, and several of her teachers help guide Sonia to higher achievement. She becomes a star pupil.

So, despite serious obstacles, Sotomayor also enjoys many advantages, including some denied to many children in wealthier homes. However, these external influences do not guarantee success. The additional crucial factors are Sonia's character and intelligence. She loves learning. She is a bookworm and discovers the classics on her own. She is driven to succeed, craving the gold stars handed out by her fifth-grade teacher. She is humble; she asks the smartest girl in her fifth-grade class how to study. And she is

bright—perhaps an inheritance from her father, who had an extraordinary but uncultivated facility for math. (These factors also work for Junior, who becomes a doctor.)

These traits are crucial when Sonia moves on to Princeton. On her first essay she receives a “C” and criticism for poor grammar, composition, and English syntax. She neither throws in the towel nor accuses her instructor of racism. Instead she acknowledges the shortcomings of her prior schooling and “cultural background” and dedicates herself to “self-cultivation.” She reads the “great books” and builds her vocabulary, even during summers.

In the end Sotomayor graduates summa cum laude, is elected to Phi Beta Kappa, and goes on to Yale Law School. Here again she experiences some self-doubt, but performs well and earns a spot on the elite *Yale Law Journal*. Next, she moves to the office of the Manhattan district attorney Robert Morgenthau—an unusual step among Yale law grads, who usually head for lucrative and prestigious law firms. Sotomayor is happy and successful as a prosecutor. After several years, she goes into civil litigation with a small law firm. Again she is a success, and for the first time makes good money.

In 1992 (at age thirty-eight), Sotomayor is appointed as a federal district judge in Manhattan. Here

her memoir essentially ends. She devotes only a couple of pages to her experience as a federal district judge, her elevation to the Court of Appeals, and her further elevation to the Supreme Court.

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As mentioned, *My Beloved World* is an enjoyable read. Sotomayor is occasionally self-congratulatory about her achievements, but she deserves it. She is also often surprisingly self-effacing, as when she admits to a shocked friend in the dressing room that her mother still picks out her dowdy underwear. She is also generous to the many people who have helped her along the way.

None of these attributes, however, explains the notice the book has received. Rather, attention has focused on Sotomayor’s discussion of “affirmative action” and what it may foretell about her opinion in the pending *Fisher v. University of Texas* case.

In her memoir, Sotomayor describes few experiences of discrimination. As a girl she was occasionally called a “spic.” A brief stint taking guitar lessons (a further manifestation, together with piano and ballet lessons, of her mother’s commitment to education) was complicated by having to walk by some bullies, one of whom smacked her because she was Puerto Rican.

At Princeton Sotomayor bridled at alumni letters to the student newspaper complaining about racial preferences in admissions. In the Manhattan district attorney's office female prosecutors (then a novelty) were promoted slowly, though Sotomayor herself advanced rapidly. She seems never to have suffered any serious disadvantage as a result of discrimination.

More important, from Doctor Fisher (who among many kindnesses to her family helped little Sonia with her diabetes) to those who supported her nomination to the Supreme Court, Sotomayor has received help from a great many people and institutions, and outside her family most of them have been white.

As for the importance of race in her life, Sotomayor cherishes her family and the island whence they came; at Princeton, Yale, and throughout her career she has been involved with Puerto Rican civil rights organizations. Race nonetheless does not seem to be central to her identity. She dislikes “down with whitey’ talk” and has eschewed separatism. At least since high school most of her friends have been white, and during high school her first boyfriend, whom she later married, was half-Irish, half-Polish.<sup>1</sup> She

warns minority students against “self-segregation” in her memoir.

About “affirmative action,” however, Sotomayor is ambiguous. She says it “opened doors for me.” That is apparently true, although she does not reveal her SAT and LSAT scores, so we cannot know how much of a preference (if any) she received in gaining admission to Princeton and Yale. More important, that racial preferences may have worked for her does not mean she thinks they are good policy. Playing the lottery works for some people, but no rational individual would recommend it as a wise investment.

Sotomayor began poorly as a college student, but recognizing her deficiencies, “worked relentlessly” to correct them. She ultimately excelled at Princeton and Yale Law. This is not typical of those admitted under racial preferences. As Richard Sander and Stuart Taylor Jr. have documented in *Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It* (Basic Books, 2012), at elite universities most of these students wind up in the lower quarter of their class.<sup>2</sup> Sotomayor concedes that many of these students fail, but she

<sup>1</sup>The couple later drifted apart and divorced. Their breakup had nothing to do with race, and Sotomayor has not remarried.

<sup>2</sup>*Mismatch* is discussed in “The Vindication of Thomas Sowell,” a review essay by Russell K. Nieli in the Spring 2013 *Academic Questions*.

never says whether she considers the benefits to outweigh the costs.

Sotomayor is also ambiguous about how far affirmative action does or should go. She says she was in the first generation of preferential admittees for whom “outreach” created a pipeline that already existed for rich whites. She praises a “look-wider, search-more affirmative action” by which “students from *disadvantaged* backgrounds could be brought to the starting line of a race many were unaware was even being run” (emphasis added). And she suggests that such efforts would be advisable “[u]ntil we [minority students] would raise kids of our own.”

I don’t know anyone who opposes “look-wider, search-more” affirmative action. However, Sotomayor does not say whether after the search universities should or may prefer certain races in admissions or whether preferences (if wise and legal in any respect) should extend to all applicants from “disadvantaged backgrounds” regardless of race. As Derek Bok and William Bowen (enthusiastic fans of racial preferences) noted in *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton University Press, 1998), 80 percent of the black students at the elite colleges they studied came from

middle- or upper-income families.<sup>3</sup> Does Sotomayor think they deserve preference over poor students of other races? Furthermore, Sotomayor entered Princeton over forty years ago. A couple of generations of “affirmative action” students have now been able to “raise kids of our own.” Does Sotomayor believe that “look-wider, search-more affirmative action” has served its purpose of “opening doors” to minority students who should now be treated like everyone else, or shall racial preferences become permanent?

Despite her hints to the contrary, I’m not optimistic that Justice Sotomayor will find that racial preferences violate the constitutional guarantee of equal protection of the law. After her initial reply from Princeton she was asked by the school nurse at Cardinal Spellman, “How you got a ‘likely’ and the two top-ranking girls in the school got only a ‘possible’?” Sotomayor did not answer. Upon reflection, she says it may have been because in extracurricular activities and by working summers and during the school year “I *do* much more than the others do.” Maybe, maybe not, but she does not seem to

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<sup>3</sup>Derek Bok and William Bowen, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton, NJ: Princeton University Press, 1998), 341.

understand that other people might resent being the victims of racial discrimination.

Sotomayor applied for the district judgeship after being told, “They’re looking for qualified Hispanics.” Later, while on the Court of Appeals, she gave a speech in which she said: “I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn’t lived that life.”<sup>4</sup> However, her own memoir refutes the suggestion that her experience was terribly different from that of millions of other Horatio Alger stories, especially of immigrants. Nonetheless, she seemed to recognize that, whatever her abilities, her prospects for the Supreme Court were tied to her ethnicity, so that is what she chose to stress.

More important, although Supreme Court justices cannot be fired or

voted out of office because of their votes in court cases, they can be punished or rewarded by the media, and political, academic, and professional elites. Liberal justices are praised in the prestige press and showered with honorary degrees and awards from bar associations and public organizations. Conservative justices get scorn, especially if they are themselves members of minority groups. Just ask Justice Clarence Thomas.

In her tenure so far on the high court Justice Sotomayor has voted where her bread is buttered—her record is consistently liberal. Perhaps, however, she will display integrity and courage and vote against racial preferences in *Fisher*. If so, she will lose the perquisites of being a heroine of the liberal elite, but she will earn the admiration of millions of other Americans. That would be a story for a truly fascinating second memoir.

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<sup>4</sup>Hon. Sonia Sotomayor, “A Latina Judge’s Voice,” *Berkeley La Raza Law Journal* 13, no. 1 (2002): 87, 92.