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Sotomayor's Racialist Judicial Activism

By: Ben Johnson

FrontPageMagazine.com | Friday, June 26, 2009

Conservatives' meager attempts to navigate the **difficult path** opposing Sonia Sotomayor's Supreme Court nomination have thus far shown their own ineptitude. Some have rightly emphasized that her **statement** "that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male" is reverse racism – but it hardly excites public outrage beyond the already convinced. Conservatives should recognize this and force the next stage of the public debate to revolve around a simple question: do the American people believe convicted felons in prison should have the right to vote, and that laws denying them this privilege are racist? If they disagree with both propositions, they are at odds with Sonia Sotomayor, whose positions on this and related issues demonstrate she is a judicial activist who sees the world through the lens of identity politics.

Sotomayor's position came in a terse dissent to the 2006 case *Hayden v. Pataki*. The case argued that New York's law barring convicted felons from voting **until** they are released from prison or complete parole is racist and thus unconstitutional. Its supporters made this argument **on the grounds** that "[m]ore than 80% of the New Yorkers disenfranchised... are Blacks or Latinos, who lose their right to vote at more than ten times the rate of other citizens." Plaintiff Joseph "Jazz" Hayden, before he began his humanitarian crusade on behalf of the disenfranchised, was convicted in 1987 of **stabbing** a sanitation worker to death. Most Second Circuit Court of Appeals judges disagreed with him, but Sotomayor found Hayden's objection supported by the "**plain terms**" of the Voting Rights Act.

Her minority opinion (no pun intended) puts into perspective precisely what a judicial activist she is and how deeply concerns of ethnicity color her view of the law.

Felon Disenfranchisement, from Ancient Greece to the Present

Felon "disenfranchisement" is the radical idea that those imprisoned for serious infractions of the law should not be voting for those who will make it. This prudent practice has a history in the United States that predates the Constitution. Jason Schall **notes** in Harvard's *BlackLetter Law Journal* that the idea is as old as democracy itself, taking root in ancient Greece and continuing in Rome. The North American colonies adopted sometimes stringent regulations disqualifying anti-social voters:

In Virginia, the franchise was denied to any "convict or person convicted in Great Britain or Ireland during the term for which he is transported." Maryland disenfranchised citizens upon their third conviction for drunkenness... In Connecticut, first a majority of the town's freeman, and then the selectmen of the town, had to present a certificate as to the "honest and civil conversation" of an aspiring voter. Rhode Island required that voters be "of civil conversation [and have] acknowledged and are obedient to the civil magistrate."

Other states restricting voting rights in the nation's early history included such Jim Crow strongholds as Ohio, Minnesota, California, and Oregon. Even Reiman concedes, "At the time of the ratification of the Fourteenth Amendment in 1868, twenty-nine states had felon disenfranchisement laws. Interestingly, in virtually all of these states, blacks had been legally denied the right to vote based on their race. Thus, the antebellum disenfranchisement statutes cannot be thought to have been racially motivated."

The second section of the 14th Amendment specifically states voting rights should not be "in any way abridged, *except for participation in rebellion, or other crime.*" In floor debates on the 14th Amendment, Rep. Ephraim R. Eckley, R-OH, **stated**, "Under a congressional act persons convicted of a crime against the laws of the United States, the penalty for which is imprisonment in the penitentiary, **are now and always have been disfranchised**, and a pardon does not restore them unless the warrant of pardon so provided." (Emphasis added.)

Disenfranchisement laws were later passed in a discriminatory fashion as part of Jim Crow, often openly so. However, today's voting rights milieu can hardly be called a racist dream. The vast majority of states allow felons, even violent ones like Mr. Hayden, to regain suffrage rights after completing their sentence, or finishing parole/probation. Vermont and Maine allow felons to **vote from prison**.

Not only has barring notorious prisoners from the ballot box been a staple of democracy from the Age of Pericles to the formation of the United States, and not only is it specifically permitted by the U.S. Constitution, **but the Supreme Court had already settled the issue**. In the 1974 case *Richardson v. Ramirez*, the High Court rejected a previous challenge to such laws. William Rehnquist wrote the decision on behalf of a

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six-justice majority that included Warren Burger and Harry Blackmun. Will Senate Democrats grill Sotomayor over her view of *stare decisis* as they did [John Roberts](#)?

Although leftists will not, Republicans should. Seeking to overturn several thousands of years of juridical precedent on the flimsiest of bases qualifies Sotomayor as a judicial activist *par excellence*, and conservatives ought not let the point go unmade because any action against this Latina will bring cries of racism.

The Left's Criterion of "Racism"

For the contemporary Left to denounce any bill – or *anyone* – as racist, it need not actually *be* bigoted; it must simply offend one of the Left's constituent groups. Jeffrey Reiman, author of the book *The Rich Get Richer and the Poor Get Prison*, writes that he "supports granting voting rights to felons, even those who are still in prison." His reason? "Because the vast majority of convicted felons in the U.S., black or white, are from the lower classes, disenfranchisement works simultaneously to dilute electoral representation of blacks and of poor people." And, he candidly declares, these groups tend to vote Democratic. Since these laws affect the Left, they are bad.

Sotomayor's Racialist Lens

Such thinking is at the heart of much of Sotomayor's available legal record. While on the board of the [Puerto Rican Legal Defense and Education Fund](#) (now LatinoJustice PRLDEF), she signed a 1981 memo – which she failed to disclose to the Senate – declaring "capital punishment is associated with evident racism in our society." Polls show even most liberals, including Bill Clinton and Al Gore, support the death penalty, and the PRLDEF will never question their allegiance to egalitarianism. Sotomayor denounced the death penalty with reasoning will sound familiar: **"The number of minorities or the poor executed or awaiting execution is out of proportion to their numbers in the population."** (Emphasis added.)

At the time of the memo, Sotomayor was hardly a mere PRLDEF functionary but a self-described "participant in [the] development" of its "policy." Among the strategies formulated during her years of leadership was an attempt to "attack economic problems of our community." She is particularly proud of the organization's "cases attacking civil service testing." The "attack" in question targeted the New York Police Department. In the 1980s, the PRLDEF found too few minorities could pass the examination required to receive a promotion, so the Legal Left branded it, too, "racist." Ultimately, it was replaced.

"An Affirmative Action Baby"

Sotomayor's opposition to test scores in particular and meritocracy in general is caused and reinforced by her personal history. Sotomayor has called herself an "Affirmative Action baby" and does not believe her test scores merited her acceptance at Princeton or Yale Law School. "If we had gone through the traditional numbers route of [entering Princeton and Yale Law], it would have been highly questionable if I would have been accepted," she said. "With my academic achievement in high school, I was accepted rather readily at Princeton and equally as fast at Yale, but my test scores were not comparable to that of my classmates." She quickly moved to scapegoat the test for her failure: "And that's been shown by statistics, there are reasons for that. There are cultural biases built into testing, and that was one of the motivations for the concept of Affirmative Action to try to balance out those effects." Her personal failure reconfirmed her belief the test is biased and merit is a myth. In a batch of video interviews, she opposed "selection by merit alone." Such blatant disregard for the outcomes of tests may explain her ready dismissal of the NYPD examination and her ruling against more qualified white firemen in [Ricci v. Stefano](#).

In her life on both sides of the bench, Sotomayor has defined racism not by intent but by "disparate impact." This is the cornerstone of the myth of Institutional Racism, a myth which President Obama firmly believes. The resultant legal philosophy demands, not equality of opportunity nor equality before the law, but equality of result.

Compare her views with those of Chief Justice John Roberts. As part of the Reagan Justice Department, Roberts drafted memos on why it was vital employers only be prosecuted for discrimination if there were some indication of "intent." This distinction in judicial philosophy goes to the heart of the understanding of the presidents making each appointment. President Reagan believed the Constitution protected our God-given liberties. Thus, Roberts sees that individuals have the right to pursue happiness in any way consistent with the law, provided they do not discriminate against other, co-equal members of society. President Obama believes "the Constitution is a charter of negative liberties. It says what the states can't do to you, says what the federal government can't do to you, but it doesn't say what the federal government or the state government must do on your behalf." Sotomayor's jurisprudence restricts the actions of individuals, and even the government, if those free actions negatively impact a preferred minority group. Their Lady Justice is constantly peeking over her blindfold to denote the color, sex, and socioeconomic status of the plaintiffs. How else can "empathy" advance the "weak" at the expense of the "strong"?

Sotomayor's Judicial Philosophy is Obama's Judicial Philosophy

Before circumscribing his rhetoric to run for president, Professor Barack H. Obama planned "to put together the actual coalitions of power through which you bring about redistributive change." He stated the Supreme Court can, and should, "take judicial notice of" societal phenomena and interpret the Constitution accordingly. He insisted the U.S. Constitution "reflected the fundamental flaw of this country that continues to this day." And even on the campaign trail he demanded this flaw be atoned for – by you. "I consistently believe that when it comes to...[racial] reparations, the most important thing for the U.S. government to do is not just offer words, but offer deeds," he said.

Since poverty, lack of health care, lack of child care, and felony conviction have a "disparate impact" on minority groups, they must be set aright by economic redistribution (sorry, "tax cuts for 95 percent of the American people"), expanding Medicare coverage, moving toward his campaign proposal of universal

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preschool – and repealing laws against felons voting, even if those felons are currently in prison for violent offenses.

The American people last November were swept away by the rhetoric, charisma, and, yes, **celebrity** of Barack Obama and the stark contrast between Obama's empty cadences of hope and John McCain's hopeless cadences. They did not vote to enshrine the jurisprudence of Balkanization in the High Court.

Ben Johnson is Managing Editor of FrontPage Magazine and co-author, with David Horowitz, of the book **Party of Defeat**. He is also the author of the books **Teresa Heinz Kerry's Radical Gifts** (2009) and **57 Varieties of Radical Causes: Teresa Heinz Kerry's Charitable Giving** (2004).

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• **JasonS** 1 month ago

I've had it with this site. Cap and trade being debated in the House today, perhaps one of the most economically dangerous bills in history which could wreck our already fragile economy, and what do we see on FrontPageMag? The usual lineup of Islam, Sotomayor, etc. All very important things but it just seems that this site is now clinically obsessed with the Islam issue to the detriment of so much else which threatens America now, as liberals usher in a new era of stupidity which could kill this country as we know it. The Cap and Trade debate should be the top story today, but of course the rest of the media is obsessed with Michael Jackson and FrontPageMag is obsessed with Islam and race issues, as usual. I think I'm deleting FPM from my bookmarks.

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• **trickyblain** 1 month ago

It could be that FPM and FPM poster are tired of having their collective asses handed to them when they try arguments like:

- "the five percent of scientists who question AGW are right, the 95 percent who agree that AGW are wrong"

- "the 95 percent are lying, motivated by a desire to have the government control every aspect of their lives."

- "It was cool yesterday, how can the climate be changing?"

- "Natural occurrences over the course of hundreds and thousands of years have caused the climate to change in the past, and that is happening now. Forget the fact that current changes have occurred over mere decades, and there is a complete absence of observed natural occurrences that caused the changes in the past."

- "The temperature on other planets is rising, too. The scientists who I don't trust to measure temperature on earth say so."

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• **antiideologue** 1 month ago

There is a tendency in science to bully the minority opinion. There are skeptics out there (and

many of them ARE NOT bought by the, say, energy industry) who are often vilified by the majority.

<http://www.nytimes.com/2009/03/29/magazine/29Dy...>

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• **trickyblain** 1 month ago

Great article -- thanks for the link. Dyson is an admirable scholar.

It is noteworthy, however, where Dyson's skepticism lies. He does not deny that climate change is occurring, nor that carbon levels are dramatically increasing due to human activity. He questions the impact of the change and whether or not the costs of reduction outweigh the benefits. He says he sees no "clear evidence of harm," but I get the sense he is being purposefully obtuse (Arctic ice, resulting rising sea levels). Assuming a massive influx of Co2 does not poison the atmosphere as feared, and the "only" impact is rising sea levels, the cost of moving millions (mostly poor islanders, fishing villages, etc.) inland seems like it would be astronomical in itself.

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• **CowboyUp** 1 month ago

You forgot to add that the same ones warning of global cooling caused by man's emissions in the early '70s, were saying man's emissions were causing the opposite less than 10 years later. The solution, of course, was the same. That one kept me from ever getting hoodwinked by this hoax, I recognized two of the goofballs from '73 in '82. I think another ice age is the real thing to worry about (we're about due, if you look at a timeline), but I don't think there's a thing we can do about it if it does happen, except what we always have done, adapt.

The one's getting handed their *sses are the ones falling for the hoax. I'm more than a little surprised you fell for it, you're the kind that would notice something like that. We're nowhere near historic peaks or troughs in temp or any element or natural molecule in the atmosphere. Yet things are so dire we must take drastic action that will cripple our economy now, but not so dire the chicomos or russians have to do anything? You can't smell that rat?

You need to keep up with the line, they've already switched terms from global warming to "climate change." Now there's a self-fulfilling prophecy.

I didn't take you for a herd critter tricky, your mind doesn't seem to think that way. If 95% of the scientists are wrong, for whatever reason, they are wrong. It's not the first time, and it certainly won't be the last.

I recently saw a documentary on some 'scientists' trying to save reefs from outbreaks of voracious Crown of Thorns starfish. They were in scuba gear injecting each of their dozen or so tentacles with something derived from the starfish themselves to kill them. One surviving leg can regrow the whole starfish (now there's something worth studying). Do you see the obvious problem with this?

If these guys were really worried about those reefs, they would be pulling those starfish off the coral, dumping them into baskets, and hauling the baskets up to be dried on the deck en masse. If they were really smart, they would sell them to shops or directly to tourists to defray costs. Either these 'scientists' are dumber than fence posts, or they are on a crooked gravy train for an endless summer in a tropical paradise. Neither speaks well of their scientific credibility. If you had to bet, would you bet they were or weren't one of those 95%? I'm sure the nightlife on the North coast of Australia is great, but who is the moron signing off to pay the expenses?

Things like this have become so common I have a hard time watching science documentaries (along with history documentaries, about the only thing I watch on the tube), because the dumb things I see them say and do. I bet you'll notice it now too, if you haven't already.

Can you tell I just woke up from a nap, lol?

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• **AlFranken1** 1 month ago

Man you are slow. It isn't economically feasible to harvest starfish to extinction. You have to breed them out. ---The harmful ones.

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• **CowboyUp** 1 month ago

So trying to kill them one tentacle at a time is what?

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- **CowboyUp** 1 month ago

Oh, and btw, I do know oceanographers (and other scientists) personally who aren't crooked or stupid (that's actually an extreme understatement, my apologies to them, I plead brevity). They, and science are hurt by these frauds, like the rest of us.

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- **BS77** 1 month ago

I think the Sotomayor issue is important....but as you said, the cap and trade issue is of crucial importance right now. What the mega liberals are proposing on many levels is the complete de construction and re making of the United States as a society and a nation. Open borders, sanctuary cities, likely complete amnesty for illegal immigrants....cradle to grave welfare entitlements, socialized Soviet style medicine, trillion dollar deficits, a passive and meek foreign policy....appeasement as a strategy in dealing with barbarian thugs and dictators....and all the nonsense about global warming, tiny cars, refusing to drill for oil, refusing to believe Al Gore is a huckster and a hoax monger.....this is a very scary situation....be afraid, be very afraid. You are right, compared to the Nanny State PC liberal agenda, Sotomayor is a footnote.

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- **antiideologue** 1 month ago

Cap and trade bill can be reversed (i say this as someone who supports a more direct govt role in curbing emissions...a gas tax). Supreme court appts are for life.

I think more and more scientists are accepting the anthropogenic global warming story. it's hard not to.

co2 is a greenhouse gas
we produce tons of c02
forests are co2 cleaners
we deplete millions of acres of forests
due to industrial growth all over the world, co2 output is on the rise
the earth will get hotter (unless there is some other mitigating factor)

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- **AlFranken1** 1 month ago

Stop crying --- here ya go "House shoots down GOP's version:

<http://www.washingtonpost.com/wp-dyn/content/ar...>

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- **AlFranken1** 1 month ago

Jason,

Don't worry, The house just passed the bill 219-212. We are on our way to defeating the terrorists by making them obsolete.

<http://www.cnn.com/2009/POLITICS/06/26/house.en...>

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- **Canadianpatriot** 1 month ago

There is more forest in North America now than there was 150 years ago. How is that possible? Think bison (or buffalo).

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- **trickyblain** 1 month ago

Just caught this laugher....

-----Thus, Roberts sees that individuals have the right to pursue happiness in any way consistent with the law, provided they do not discriminate against other, co-equal members of society. President Obama believes "the Constitution is a charter of negative liberties. It says what the states can't do to you, says what the federal government can't do to you, but it doesn't say what the federal government or the state

government must do on your behalf."-----

Johnson is the ultimate hack. Astonishingly ignorant and misinformed while simultaneously condescending, angry and arrogant. Something tells me he did not interview Roberts, nor is this a direct quote by Roberts. Because Roberts would've told him that Obama is 100 percent correct. The Constitution and BoR does not "provide" rights. Anyone with a intro course on poli sci under his belt knows that government cannot "provide" rights -- the creator endows the rights unto everyone at birth. The Constitution limits gov't power. Period. Obama knows what he's talking about. Johnson hasn't a clue.

If credibility is something David Horowitz hasn't given up on entirely, he needs to bar this clown from ever, ever again "writing" about anything resembling ConLaw.

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• **AlFranken1** 1 month ago

Ben Johnson, by far, is the worse journalist that FPM has. His articles are so absurd you can barely nail down his point. It is hard to debate an idiot that just runs on.

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• **Mark_Cashmoney** 1 month ago

It is hard to debate an idiot that just runs on.

AlFranken, meet mirror. Mirror, AlFranken.

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• **AlFranken1** 1 month ago

you're still sore about me using your resource to make my point better than you did?
It's a new day Mark

I'll be glad to discuss Justice Sotomayers qualifications with you!

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• **Mark_Cashmoney** 1 month ago

Oh, yeah. I had done you the favor of not mentioning that particularly embarrassing moment from your past. But since you bring it up and even wave it around like something you seem to be proud of, I'll remind others of just how out-of-touch with reality you are.

Basically, it was this: 1) You made a claim that South Koreans hate America because we sanction North Korea. 2) I linked a study that outlined all the reasons South Koreans list for tensions with America. 3) Since sanctions against the North did not make *any* appearance *anywhere* in the 170 page study, 4) you took it as proof positive that South Koreans hate America because of sanctions against the North. and 5) you wrote all kinds of self-embarrassing things about how you schooled me in that argument by using my linked study.

All quite weird when I go back and read it. Al, you really do provide an entertainment value for us here but you should have yourself checked out by a professional. The only sane reason you could possibly have for writing the things you do is if you are really a clever conservative who poses as an easy-to-slap-around fool that represents the typical liberal/leftist viewpoints. But I don't believe anyone can be *that* clever, so make an appointment. Tell your therapist that your acquaintences think you suffer from a serious inferiority complex, that you have a sense of reality that is seriously distorted, and that you mask your inferiority complex by spending too much time online pretending to bask in imagined glories.

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• **AlFranken1** 1 month ago

Whatever Mark -- you take whatever spin you want on it. Bottom line, it was stupid for you to cite something that didn't disprove me. I do know for a fact that South Koreans do not approve of us sanctioning North Koreans of basic necessities. Weather you agree with that policy or not isn't the subject. You did bring up Iraq in a blanket statement and the 20% approval rating on your source did drive my point --- foreign countries do not like us playing policeman.

You struggle with that agruement because there isn't reliable information to dispute it. The dancing in the street by the Iraq's today is proof that there are a

lot of people that recent us being in their business and on their soil. That is the basic premis of why we were attacked on 911. This website just wants to focus on the fact that terrorists are criminals and ignore that fact that they fan the flames of hate do to this fact. People don't hate for no reason. No matter how hard FPM tries to disguise this --- that is a fact.

Sure, the South Koreans need us to defend them and so do the Iraqi's but they both look at us as a necessary evil. When situations change, they would assume let us rot in hell than to help us. --- that is my opinion.

So don't make us out like humanitarians or good doers in foreign policies. They are just as self centered and our domestic infighting.

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• donvan 1 month ago

We are harvesting the results of an affirmative action president, first lady, supreme court judge, and thats just the ones we know about. Second string leadership produces second string results.

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• AlFranken1 1 month ago

The most important act we can do to secure our children's future is to stop giving terrorist money to kill us. Every time you fill your tank with gas, you give a substantial amount of that money to the Arab states who in return finance terrorists like Osama Bin Laden. The reason these terrorists attack us is because we are over there doing business on their "sacred soil". Why would you want to do business with people who hate you and want you dead?

Because our economy is directly dependent on their oil and therefore the stability of the Middle East is a priority and we have no choice. This shapes our military objectives and foreign policy in that region. Being dependent on Arabic Terrorist Oil puts us at a disadvantage at the negotiation table. It is very dangerous for us to have to be in a negotiating position with terrorists.

The Bush Administrations foreign policy of not negotiating with terrorist regimes while still conducting business through our dependence of foreign oil with them failed miserably.

This is why it is important for you to support H.R. 2454 American Clean Energy and Security Act of 2009 but not necessarily in its current form.

To track this bill go to: (<http://www.govtrack.us/congress/bill.xpd?bill=h...>)

According to the Library of Congress, the summary statement reads as follows:

"Amends the Public Utility Regulatory Policies Act of 1978 (PURPA) to establish a combined efficiency and renewable electricity standard that requires utilities to supply an increasing percentage of their demand from a combination of energy efficiency savings and renewable energy (6% in 2012, 9.5% in 2014, 13% in 2016, 16.5% in 2018, and 20% in 2021-2039). Provides for: (1) issuing, trading, banking, retiring, and verifying renewable electricity credits; and (2) prescribing standards to define and measure electricity savings from energy efficiency and energy conservation measures."

(<http://thomas.loc.gov/cgi-bin/bdquery/z?d111:H...>)

Proponents for this bill assert:

- Will create over million green jobs
- Reduce greenhouse emissions
- Achieve energy independence

Opponents assert:

- \$400 billion in new taxes and fees will be placed on the U.S. energy sector
- Cost billions of dollars in higher costs
- Will create a climate for sky-high energy costs (<http://energytomorrow.org/ActionCenter/?gclid=C...>)

In order for us to become independent of Arabic Terrorist Oil is to radically change our use of energy.

The Republicans have a counter proposal drafted by Representative Mike Pence of Indiana called the American Energy Act which address some needs that H.R. 2454 doesn't

(<http://www.nytimes.com/2009/06/10/us/politics/1...>) proposes building 100 nuclear plants and open the Gulf of Mexico and the Arctic National Wildlife Reserve in Alaska to drilling. These two proposals are important.

Here is a sticky point with H.R. 2454 and

not to be confused with a bill that is currently in the house now call "cap and trade ---

(<http://www.washingtonpost.com/wp-dyn/content/ar...> which has been muddled together by Newt Gingrich on the Dennis Prager show. --- nice try Newt! There are cap and trade clauses that have the potential to harm the overall recovery of the recession.

After reading the summary of H.R.2454, you my as well call it a cap and trade bill. There are similarities that are just worded different.

Cap and trade policies get passed down to the consumer with higher energy bills but how much is debatable. Some say \$80.00 to \$120.00 per year but these sort of estimates usually end up costing more.

It is of my opinion that we need provisions in both bills. The Republican bill will address our immediate needs of energy while the rate of return on our investment in H.R. 2554 will take some time. In the long run, H.R. 2554 will ultimately make us independent of Arab Terrorist Oil.

Building nuclear plants will create a lot work immediatly and will suffice our electrical needs as we transform to electric cars. The Republican bill makes sense here.

Opening up more opportunities for drilling oil is very important in the sense that we need to immediately become less dependent on foreign oil --- we only have so much in reserve and we don't want to be put into a panic by our enemies should they attempt to throw a wrench into our plans.

When the Senate tears apart the Cap and trade bill next month, I hope the moderate Democrats and Republicans capitalize on the debate to combine the benefits of both bills for the overall priority of the security of our nation by removing the need to negotiate with terrorists. Ultimately, the only thing we will have in common with the Middle East politics is the good will of Israel and that will put both Israel and us in the best negotiating position and that is to have no need to negotiate with terrorists. Simply said --- there is nothing we need from them.

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• [CowboyUp1](#) 1 month ago

"In the long run, H.R. 2554 will ultimately make us independent of Arab Terrorist Oil." No, nothing in it generates any energy or develops any new viable energy source or technology. In fact it retards such developments.

If energy independence was really the goal we would be building resevoirs, nuke power plants, and drilling for oil. We'd at least be drilling and pumping enough to mitigate global price fluctuations, but we aren't even doing that. Instead we are creating an artificial market to regulate a naturally occuring gas and make a few speculators rich(er), while retarding our economy and technological development. And you call me slow?

If we were corrupting their sacred soil with our presence defending the Kuwaitis and Saudis from saddam, and that was an acceptable justification for their barbarity and mass murder, then why was enforcing a cease fire agreement saddam never complied with, and removing the need for us to be in SA wrong? Why are all the same people that I've heard of that opinion also opposed to the Iraqis leasing us bases there?

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• [AIFranken1](#) 1 month ago

re:

"No, nothing in it generates any energy or develops any new viable energy source or technology. In fact it retards such developments."

Lets see ---

"Amends PURPA to provide for the development of electric vehicle infrastructure. Requires the Secretary of Energy (Secretary) to establish: (1) a large-scale vehicle electrification program; and (2) a program to provide financial assistance for the manufacture of plug-in electric drive vehicles. Requires the Administrator to establish a program under which a state may create a State Energy and Environment Development Account"

Large scale development of electric cars

Lets see what else:

"Amends the Energy Policy and Conservation Act to revise: (1) rules regarding improving energy efficiency in industrial equipment; (2) efficiency standards for electric motors; (3) conservation standards for lighting and appliances; and (4) the Energy Conservation Program for Consumer Products Other Than Automobiles."

Geez Cowboy Up, you are going to have to buy an electric weed eater someday. Don't trip on the cord buddy!

Lets see what else:

"Requires the Secretary to establish Clean Energy Innovation Centers to promote commercial deployment of clean, indigenous energy alternatives to fossil fuels, to reduce GHG emissions, and to ensure that the United States maintains a lead in developing and deploying state-of-the-art energy technologies.

There goes your "no technology" BS --- up in smoke with the rest of your carbon that comes out of you butt

What else Cowboy?

"Amends the Energy Conservation and Production Act to revise energy conservation standards for new buildings. Requires the Administrator to establish: (1) standards for a national energy and environmental building retrofit policy for residences; and (2) a building energy performance

labeling program. Establishes a rebate program to assist low-income households residing in pre-1976 manufactured homes in purchasing new Energy Star qualified manufactured homes."

Looks like you might be able to trade in your trailer trash house for something a little nicer!

Anyway, There is a lot more but you have to read buddy.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR...>

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• **CowboyUp** 1 month ago

Is that all you think you found wrong with that post? As usual, it's you that's wrong, as your own post shows.

Like I said, yall leave out the most critical thing, power generation and technology development. All the infrastructure in the world is worthless without the juice, and building it before you even have the juice, or before your alternative sources are economically feasible, is wasteful to the point of stupidity.

As your post supports, the law mandates a bunch of arbitrary new standards, with no clue of how they will be met (just like cafe standards). They blow a bunch of money on enforcing regulations and "centers" to "promote" all sorts of wonderful things but develop nothing, and in fact leach resources needed to develop all those wonderful things. It's a big jobs program and cash cow for dp constituents unwilling or incapable of making a living doing anything productive.

I've read enough of it, AI, it does exactly what I say it does, and your post says nothing to contradict it. The sad thing is, like the dp socialized medicine plan, I knew what was in it before I ever read any of it. The dp is so predictable and consistent I have a hard time arguing to myself that it's just ignorance or stupidity. As usual for the dp, what it 'intends' and what it does are two completely different things. I already know what happens when you put the wagon before the horse, and I already know 10% of something beats 80% of nothing every time. When the research money dries up with the revenue, you're stuck, and so is America (and more of the world than the world realizes). I'll get by, go ahead and learn your lesson, if you're capable.

To answer your personal 'points':

I can rig my internal combustion weedeater to run off several fuels, gasoline is just the most efficient. I'm a good enough machinist, tech, and mechanic, that you'll have to put up with the racket, and I'll get to laugh at you tripping over your cords (like your arguments, lol), for the rest of my life. The sad truth is, we'd probably have battery powered electrics powerful enough in my lifetime, if you fools weren't so determined to strangle our energy supply and destroy the wealth creation needed for the R&D to make it happen.

Methane is a hydrocarbon, AI, and those were good butter beans. I produce more energy just eating good than your multi billion (multi-trillion, actually) dollar boondoggle does. You into dutch ovens or something? You sick pup.

I'm one of those who decided to sacrifice for a house and land, who wasn't stupid enough to go with an ARM during the lowest interest rates in my lifetime. AI, it would be very entertaining to see you say that to some of the people I know who do live in trailers. If you said it twice, the second time would be with less teeth than they have, whether you laid em out or not. The dumbest of them have more sense than you do, AI.

Thanks for the morning laughs.

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• **AIFranken1** 1 month ago

RE: "If energy independence was really the goal we would be building resevoirs, nuke power plants, and drilling for oil. We'd at least be drilling and pumping enough to mitigate global price fluctuations, but we aren't even doing that. Instead we are creating an artificial market to regulate a naturally occuring gas and make a few speculators rich(er), while retarding our economy and technological development. And you call me slow?"

It should be understood that I already addressed energy independence by suggesting that we consider the attributes of both the Republican and Democratic energy bills.

I stated this clearly in our short term strategy of safely taking us off the addiction of Arab Terrorist Oil.

You just simply reacted to my original post without reading and/or choose to understand it objectively. --- that is the main problem with FPM poster.

So in detail, I went into your topic sentence and proved it wrong--- there are specifics in H.R. 2454 that will dramatically reduce our dependence on Arab Terrorist Oil. It is unreasonable to ask me to hold your hand through the bill in its entire form. You have to show some effort to clarify and prove your absurd point and not expect

FPM's fiction based articles to support your claims without expecting to be challenged

Then your last paragraph goes into subjective and off the point ideas of their "sacred soil" and Saddam and so on. Those are semantics of the symptoms that are completely off the subject at hand --- the subject is getting off the habit of Arab Terrorist Oil.

Regarding your answer to my personal points: I don't know you personally --- I'm just being sarcastic.

When I say you are slow, I mean it in a way that you are really out of touch with reality--- I do mean that.

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• **CowboyUp** 1 month ago

Sarcasm's great, I appreciate it more than most when it's well done, and especially when it's mixed with serious argument, so feel free, you won't hurt my feelings. I've just noticed you complaining about it from others lately, and wanted to make sure we were on the same sheet.

I ignored your wish that some elements of the GOP bill would be incorporated into our "short term" energy policy because the dp leadership has already said no. You or anybody else hoping the dp will build nuke plants doesn't get them built. We're blowing the money on that new infrastructure, which will likely be obsolete by something better by the time you build the plants, if there IS money left over to build plants, and if you can get the dp AND the environazis to change their minds. That's not going to happen, and any "objective" understanding based in "reality" can't overlook it. My "topic sentence" stands. H.R.2554 jumps us off a cliff in the hope we will learn to fly before we hit the ground.

While we are talking about reality, you demonstrate you have no understanding of how much our economy (and not just transportation), depends on petroleum. Petroleum isn't a drug in our economic bloodstream it IS our economic bloodstream. A \$5 change in the price of oil added or subtracted over \$300 billion from our GDP in the 80s, it's certainly more now. Reality is, it will be so until a more powerful, compact, and safer energy source has been developed.

What you have outlined is an attempt to "get off the habit" to petroleum, not just "arab" petroleum. They will be flush with cash to kill us until they run out of oil, because someone will always buy it, it's the best. Breaking a "habit" is about the substance, not the source. Killing the patient to kick a habit isn't too swift.

My last paragraph was in response to a sentence in your lead paragraph, "The reason these terrorists attack us is because we are over there doing business on their "sacred soil." That's wrong in several ways, as I pointed out. I'll add, in addition to never lacking the money, they will never lack an excuse to kill us where they find us, even if we meekly retreat behind our borders. The only thing that will stop them is their death and a lack of people willing to die for nothing (it's hard to recruit when it takes over 200 of you dying to kill a single enemy). That's okay, I didn't think it was really off point either. It's a common linkage that should be hashed out to its' logical conclusion.

Al, your perception of me matters to me even less than to you, and losing touch with reality happens to both swift and swift. I've given you enough so if you're half swift you can research it and figure it out for yourself. The GOP doesn't have the votes to stop it, even if they had a pair (their biggest pair retired to Texas), so just hang on and you'll soon find out for yourself. I'm not so slow I won't land on my feet, it's the weak or vulnerable who should worry, and who I worry about.

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• **AlFranken1** 1 month ago

Here is Judge Sotomayor's recorded dissent:

"SOTOMAYOR, Circuit Judge, dissenting.

I join in Judge Parker's dissent, and write this separate opinion only to emphasize one point. I fear that the many pages of the majority opinion and concurrences — and the many pages of the dissent that are necessary to explain why they are wrong — may give the impression that this case is in some way complex. It is not.

It is plain to anyone reading the Voting Rights Act that it applies to all "voting qualification[s]." And it is equally plain that § 5-106 disqualifies a group of people from voting. These two propositions should constitute the entirety of our analysis. Section 2 of the Act by its unambiguous terms subjects felony disenfranchisement and all other voting qualifications to its coverage.

The duty of a judge is to follow the law, not to question its plain terms. I do not believe that Congress wishes us to disregard the plain language of any statute or to invent exceptions to the statutes it has created. The majority's "wealth of persuasive evidence" that Congress intended felony disenfranchisement laws to be immune from scrutiny under § 2 of the Act, Maj. Op. at 322, includes not a single legislator

actually saying so. But even if Congress had doubts about the wisdom of subjecting felony disenfranchisement laws to the results test of § 2, I trust that Congress would prefer to make any needed changes itself, rather than have courts do so for it.

I respectfully dissent "

The following comment on a objective Sentencing Law and Policy website:

"If I were told this opinion was from a Supreme Court Justice rather than from a lower court, I would likely guess that it came from the pen of Justice Scalia. The commitment to textualism reflected in this short opinion in Hayden, not to mention the poke at other judges for adding complexity to an issue she thinks simple, suggests that in some ways we may find that Sotomayor may be a version of Scalia cooked with a Latin salsa instead of Italian gravy."--- (http://sentencing.typepad.com/sentencing_law_an...)

Conclusion: Again, Ben Johnson managed to make a whole lot out of nothing. If you read her dissent, it doesn't reflect anything of the sort of Mr. Johnson's absurd distortions of the truth.

For now on, anything Ben Johnson writes is considered garbage. Everything he writes is grossly distorted!!!!!!

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• *thinker1* 1 month ago

ANYBODY who will/is voting (e.g. criminals, illegals) for Dem Pty is OK, and everybody, who opposes it is a racist, according to leftists.

As Savage said, liberalism is a mental disorder.

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• *AlFranken1* 1 month ago

Today the House Rejects GOP's Alternative Bill

<http://www.washingtonpost.com/wp-dyn/content/ar...>

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• *CowboyUp* 1 month ago

The near supermajority dp house? That's not news. The dp will own responsibility for this one.

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• *BS77* 1 month ago

RIP Michael Jackson....I loved Thriller.....

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• *buzzzzzz* 1 month ago

Can you separate the musical genius of Michael Jackson against his bizarre/freak personality and pedophilia?

Can you separate the football greatness of O. J. Simpson against his cutting off two heads?

Can you separate the acting ability of David Carradine against his sex obsession?

Can you separate the awareness of the law by Sotomayor against her numerous racist comments? Do Hispanics have to support her just because she's Hispanic?

Do Blacks have to support Jackson just because he is Black?

Didn't Blacks vote for Obama ONLY because he is Black? (Even though he is half-White?)

Martin Luther King's "DREAM" IS A NIGHTMARE!!!

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• *BS77* 1 month ago

Yeah, this 24/7 Michael Jackson obsession is getting old fast.....the guy was very very weird....his facial surgeries were shockingly bad....enough already!!!!

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• **harwod green** 1 month ago

well....

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• **BS77** 1 month ago

I thought M Jackson was cool back around 1980but then not so cool as time went on....the Bubbles the Chimp, the little kids, his Peter Pan trip and all the cosmetic surgery etc.....put the damper on his career. I am tired of all the news about him. Did he contribute to charity when he was making millions?

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• **SAM111** 1 month ago

BRAVO OBAMA;
BRAVO UK

The Mullahs has taken 8 Hostages from the UK Embassy in Tehran.

BRAVO the appeasers;

Continue to appease the Mullahs till that the Mullahs can reduce your values to their Bestial and primitive level.

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• **AlFranken1** 1 month ago

A more accurate discription would be Iran and England breaking diplomatic ties. In the process, Iran is accusing the British embassy of interfering with internal affairs therefore arresting a few workers.

Without the details, it is premature to called them hostages.

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• **SAM111** 1 month ago

Your comprehension of the situation do not correspond with the reality in the field, Because you are a new coming and you don't know the nature of the Mullah's regime.

And you don't have any imagination of the shameful relationship between the Mullahs and the British followers of the Chamberlain.

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• **MizPris** 1 month ago

AF, who was President the last time Iran took Western hostages? Jimmy Carter! Get a clue. If we had an embassy there they would be Americans. Same with the UK. Weakness invites aggression. Why can't you understand that? How dense do you have to be?

Iran knows nothing will be done to stand up for freedom of these hostages or the Iranian people. Sam's right. What these people respect is strength. Period!

Pris

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• **AlFranken1** 1 month ago

Let me understand you Pris. You think that my position is weak because I simply do not react till I get a clear understanding of the facts?

I'm not sure how Jimmy Carter the Iranian hostage crises compares to do with SAM111's accusation of appeasment.

What did you expect Carter to do in addition to what he already tried? What did you expect a very hawkish President like Reagan to do when we lost 300 Marines in Lebanon?

Can you give me a reliable source, like maybe a former Republican Secretary of State,

President, or any other one of that stature that has a problem with Obama's strategy to deal with this situation at this point?

A lot of hard questions to answer but ahhh go can make gross assumptions?

I don't expect to hear from you of course.

In general, I simply disagree with SAM111's assesment of our positon. He seems to think that we are appeasing to the violence in Iran and somehow wants to invoke former Prime Minister Chamberlain's approach of appeasement to prevent going to war. Chamberlain's position at that moment wasn't really much different than ours --- we had to wait for a direct invitation from the Japanese.

So you want to call us cowards in general too during WWII?

Sorry to tell you but we are not going to run into an escalation everytime some country has internal problems. We don't necessary feel like we need to be the hall monitor for Iran's personal issues.

If we find it necessary and consider immediate action is in OUR BEST INTEREST. then we may consider doing something.

The American people are tired of war right now and they are only focused on the economy.

Bottom line Pris--- It's Iran's problem

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• [MizPris](#) 1 month ago

Well well, you don't like my timing? I don't live here like you do. You either missed my point or don't want to deal with it. I'm not going to repeat myself.

Furthermore, FDR was dragging his feet before we engaged in the European theatre. If not for the attack on Pearl Harbor, would we have come to the aid of Europe? Who knows?

Finally, to say it's Iran's problem is so short sighted It's mind boggling. They're holding British hostages, they're well on their way to nuclear weapons, and it's Iran's problem? The administration sat on the fence and played a waiting game to see who would come out ahead in Iran. The U S A didn't come out in support of freedom when we should have. The way I see it, it's our problem, and now the UK's problem, not to mention Israel's problem.

I know it's difficult for you AF, but maybe if you try, just once, you can see the big picture. One more try. If we present a stance of weakness we will be challenged. It is an invitation to aggression, just like it was during Carter's Presidency.

Pris

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• [AlFranken1](#) 1 month ago

So what is your point? Do you really think war is an option? You never really answered any of my questions.

Do you really think we will get international support for anything?

Do you realize that we have no means of gathering intelligence in Iran? We haven't had diplomatic ties with Iran for over 30 years. We don't have a clue how their internal affairs really work.

We don't have international support and don't have the intelligence gathering necessary to do develop a strategy.

The strategy of the 8 year war was the best situation for us. We supplied weapons to both Iraq and Iran and we just sit and watch them kill each other.

Why the heck you think we need to spend billions on another stupid war is beyond me.

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• [MizPris](#) 1 month ago

Did I say anything about war? What I believe Obama should have done from the beginning, is to say we are standing with the people of Iran who want freedom from oppression. He should have stood for freedom. Keep the mullahs worried, keep them guessing.

Give the people hope, and the pressure on the leadership of Iran. You

don't give away the store up front, which is exactly what he did. They were accusing the US of meddling even after Obama said we shouldn't meddle in their affairs. Don't you recognize propaganda when you hear it?

As far as Sam goes, he's aligned with the resistance in Iran. He knows more about Iran than both of us put together. He knows what takes place there. He perceives Obama's weak approach to the world, and in that, so do I.

That AF, is why the comparison to Neville Chamberlain. History repeats itself in the world over and over again, but there are always fools who are doomed to repeat it one more time.

Pris

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• **AIFranken1** 1 month ago

By the way my point is that you and SAM111 confuse appeasement with conventional wisdom and common sense.

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• **MizPris** 1 month ago

AF, here's your conventional wisdom and common sense:

<http://www.youtube.com/watch?v=YeqQ9N-CgZ4>

Pris

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• **AIFranken1** 1 month ago

Don't you think you're kind of pathetic to attempt to take a shot at me at the end of the string after on a Sunday evening? Gee Pris, in few hours, it's a new week and then you can crawl out from your rock.

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• **Larry** 1 month ago

Not only a stupid Latina woman, but a racist bigoted one as well. Do we need this tyrant ruling over us like an Ayatollah?

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