



Explaining American Politics: Sonia, Jeff (and Silvio): Judicial Temperament (Temperamentos judiciales de Sonia, Jeff (y Silvio))

Jerry Krase (July 18, 2009)



In America, millions are sitting around the television and watching the U.S. Senate confirmation hearings the way they watched the recent Major League Baseball All Star Game. It is the bottom of the ninth inning and the home team is way ahead. Sonia Maria Sotomayor is up at bat and facing down the screwballing pitcher, Jeff Sessions, who has been throwing lots of junk at her. Most of America is rooting for her to hit it out of the ballpark but others, especially firefighters and gun-toting Pro-Lifers, want her to strike out. Even in metaphoric language, it is difficult to explain to Italians why high-level American politicians are so concerned about who is and who isn't a Federal Judge.



In America millions of people are sitting around the television and watching the U.S. Senate confirmation hearings the way they watched the recent Major League Baseball All Star Game. Even metaphorically it is difficult to explain to Italians why high-level American politicians and the low-level American public are so concerned about who is and who isn't a Federal Judge. For example, John Hooper for The Guardian last May wrote:

“ Silvio Berlusconi was tonight under withering fire from opposition leaders in Italy after a court declared that he had bribed his lawyer, David Mills, so that he could avoid conviction on corruption charges and hang on to 'huge profits made from the conclusion of illicit corporate and financial operations' The judges were giving the reasoning behind their decision in February to sentence Mills, husband of the British Olympics minister, Tessa Jowell, to four and half years in jail for taking a bribe. Mills was found guilty of accepting a \$600,000 (£387,000) bribe in a case in which he had been indicted alongside his former client, who was alleged to have paid the cash. But since Berlusconi furnished himself with immunity from prosecution after returning to power last year, the court was unable to reach any conclusion with respect to him.”

While I was watching the excruciatingly partisan Senate Judiciary hearings on the nomination of supremely qualified, but “otherwise Latina,” Sonia Maria Sotomayor to be seated on the highest court of our land, I increasingly felt an urge to throttle someone (tenía el impulso de estrangular alguien; Ho ritenuto uno stimolo a strozzare qualcuno) just as I had felt a couple of evenings ago while watching my grandson (mi nieto; mio nipote) Spencer and his team valiantly playing, and losing, a championship baseball game against the umpire. (Hence the baseball reference.)

Umpires, like judges, are supposed to exhibit “Judicial Temperament” -- something which the American Bar Association defined it as "compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias and commitment to equal justice." In other words the umpire ought to be “impartial,” and not to take a side in a game, but the teams that are the focus of their judgments, especially the losing team, know otherwise.

The most intemperate of the Senate umpires, seems to be Jeff Sessions who represents the State of Alabama, which among other things, ranks 45 amongst 50 states in education, and, therefore (por lo tanto; quindi), ignorance. As to Session's State of Mind concerning persons who might have some



color (un cierto color; certo colore),



people in Alabama constitute 27% of the total population, none of the 19 appellate court judges and only one of the 42 elected District Attorneys in Alabama is black. Nearly 63% of the Alabama prison population is black. The State of Alabama disenfranchises more of its citizens as a result of criminal convictions than any other state in the country.” (<http://www.eji.org/eji/deathpenalty/racialbias> [2]) Jeff also has an ax to grind after having been justifiably rejected (rechazado justificable; rifiutato in conformità della legge) some twenty-odd years ago for a seat on the Federal Bench for racial bias having, among other things bigoted, called the NAACP (The National Association for the Advancement of “Those” People) “un-American” and “Communist-inspired.”

On the other hand, Sonia’s Judicial Temperament is questioned because in 2001, she, while a Federal Appeals Court Judge, gave the Judge Mario G. Olmos Memorial Lecture at the University of California, Berkeley, School of Law in which she declared that the ethnicity and sex of a judge “may and will make a difference in our judging.” And, “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,…”

There are 19 members of the Senate Judiciary Committee. Eleven (including two women) are from the current majority Democratic Party, and 8 (including no women) are from the minority Republican Party. Thankfully the majority of the biased umpires on Sonia’s case are also on her team. (Unfortunately for my grandson Spencer that was not the case.) Frankly speaking, had Sonia Maria Sotomayor, even tongue in cheek, said “I would hope that a wise White man with the richness of his experiences would more often than not reach a better conclusion than a Latina woman who hasn’t lived that life,…” the vote would probably be unanimous, with Senators Dianne Feinstein and Amy Klobuchar, of course, biting their tongues (mordiendo sus lengüetas; mordendo le loro linguette).

I assume that in Italy, Silvio probably didn’t watch the Senate hearings, being more interested in young Latinas (giovane Latinas) then in wise ones (Latinas saggie).

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