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Sotomayor Was a Passionate but Civil Activist

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Around Christmas of 1973, a fellow sophomore approached Frank Reed, a leader of Princeton University's Chicano Caucus, to hand him a formal complaint she had typed up and to ask him to support it.

Sonia Sotomayor was head of the other Latino organization on campus, Acción Puertorriqueña. And after a history of fruitless student talks with Princeton administrators over the lack of Hispanic professors and staff, Sotomayor believed the time had come to lodge a grievance with the federal government over the university's hiring practices.

The written complaint, filed that April with what was then the U.S. Department of Health, Education and Welfare, accused Princeton of an "institutional pattern of discrimination" in hiring "Puerto Rican and Chicano" faculty, as well as in admitting students from those ethnic groups. The strategy, Reed recalled, was "different than anything that had ever been done" by the two student organizations. Neither rowdy nor meek, it reached boldly for outside legal pressure on the university to diversify the campus.

Such a strategy would become vintage Sotomayor: pressing her causes forcefully, while maintaining a civil dialogue. In the nearly two decades between when she came of age and when she joined the federal judiciary, the woman President Obama has now nominated to the Supreme Court demonstrated a passionate engagement at the intersection of ethnic heritage and social justice. She advocated -- publicly, aggressively -- for inclusion and expanded civil rights, yet always worked within the framework of traditional levers and institutions.

As a Yale law student after she graduated from Princeton, Sotomayor protested to a dean over questions that she contended were discriminatory posed by a Washington law firm at a recruiting dinner. Soon after taking her first job, she joined the board of a Puerto Rican advocacy group that fought for voting, employment and housing rights. She eventually became a board member, too, of a New York nonprofit group that works to improve care for pregnant women and a state agency that promoted homeownership for poor people.

When she became a judge in 1992 on the U.S. District Court in Manhattan, Sotomayor severed her ties with advocacy groups. Her social activism does not shed light on whether she has, as a trial judge or later on the appellate bench, been a "judicial activist" -- the derogatory label conservatives sometimes apply to liberal jurists. Still, the causes in which Sotomayor took part for years suggest that she holds deeply rooted views on issues that remain part of the political debate today -- and, in some cases, unsettled areas of the law.

The top priority of the Puerto Rican Legal Defense and Education Fund when she joined its board, for instance, was challenging what it regarded as racial gerrymandering in legislative

districts, an issue the Supreme Court is now weighing as it considers a central element of the Voting Rights Act. The fund also fought to reform the hiring process in New York's police and fire departments, raising some of the questions now under review by the Supreme Court in an employment discrimination case involving the New Haven fire department -- a case that Sotomayor ruled on as an appeals judge. And as a board member of the New York Mortgage Agency, Sotomayor helped promote home loans for low-income minorities, an issue central to the recent housing boom and bust.

In Sotomayor's view, public service "means much more than who writes your paycheck," said Juan Cartagena, a staff lawyer at the defense fund during her affiliation there. "The social justice thing was very natural to her."

Diversity at Princeton

When she arrived at Princeton in the fall of 1972, questions about the racial, ethnic and gender makeup of student bodies and faculties coursed through the Ivy League. Sotomayor's class was just the third at Princeton that included women. And while the university had begun to expand slowly its small number of Hispanic students, there was not a single full-time Latino professor, nor any class on Latin America. Having been raised in the South Bronx by a widowed mother who worked two jobs to pay her tuition to a Catholic high school, Sotomayor felt estranged from many of her white classmates from privileged backgrounds, friends from her undergraduate years recall.

She found a social world and political causes among students like herself, friends from then recall. She quickly became a leader of the fledgling organization of Puerto Rican students, and she concluded that it would be difficult for Princeton to recruit Latino students without Latinos on its faculty or staff, said Joseph Schubert, another Hispanic undergraduate who was part of the debate and then covered it for the Daily Princetonian, the student newspaper.

The hiring question had been simmering for a few years, but "things started to heat up in 1974," said Reed, the former Chicano Caucus leader, who is now an investment banker in San Antonio. Some Hispanic students argued for a demonstration. Others favored simply leafleting the campus. "Sonia . . . really articulated a strategy of keeping the communication [with administrators] open, but at the same time filing this petition to have outside help to get the university moving forward," he said.

"It's the kind of strategy that she would embrace. She was going through legal means," said Peter Winn, a history professor at the time, who knew Sotomayor well and became her thesis adviser.

According to campus news accounts of the time, Princeton had an affirmative-action plan, but the students alleged that it did not contain hiring goals or timetables for Hispanics, as it did for members of other minority groups. In the end, Reed and others recalled, the school began to hire Latino faculty and increase admissions of Latino students before the federal government ruled on the students' complaint. Even in prodding the university, "she was always respectful of the institution," recalled William G. Bowen, then Princeton's president. "Her participation in all these discussions was . . . never acrimonious."

She pushed for curricular change, too. The fall of her junior year, she was "one of the central people," recalled Winn, now a historian at Tufts University, who persuaded him to create a seminar on Puerto Rican history and politics.

Her sense of justice transcended matters of ethnicity. In the winter of her senior year, she was among the three dozen students and faculty members who signed a letter, published in the student newspaper, protesting the ransacking of the dorm room of two gay students. "It is precisely such extreme situations," the letter said, "which measure the willingness of this community to encourage bold new ideas by tolerating dissent."

Challenging a Law Firm

Sotomayor's engagement with her heritage broadened into deeper policy concerns at Yale Law School, where she made the law review with an analysis of murky constitutional issues surrounding potential Puerto Rican statehood and seabed rights. But she retained her feisty edge, protesting in the fall of 1978 when, at a recruiting dinner in New Haven, a lawyer from the Washington firm Shaw, Pittman, Potts & Trowbridge asked her questions that, as she saw it, crossed the line into discrimination.

She challenged lawyer Martin Krall during her formal interview the next day and refused his invitation to come to Washington for a second interview. And she went to Assistant Dean James Zirkle to file a complaint about the questions, which, according to a law school tribunal, included "Would I have been admitted to the law school if I were not a Puerto Rican?"

Sotomayor was "matter-of-fact" about the complaint, Zirkle, now a lawyer for the CIA, recalled in an interview. "I wouldn't say she was upset emotionally -- but she certainly did not like what happened." Zirkle said he never questioned Sotomayor's account: "She's a very credible person." He reported the complaint to the firm's senior partners, who eventually apologized, stating that the questions had been "insensitive and regrettable."

The episode made waves. The Washington Post ran an article about the apology, and several student groups rallied to Sotomayor's defense. But law school classmate Michael Album, who interned at the same firm as Sotomayor, recalled that Sotomayor was not interested in seeking publicity. She "was not strident by any means," he said. "She was always well balanced."

Law degree in hand, Sotomayor went to work for the Manhattan district attorney but soon found a new outlet for engagement: the Puerto Rican defense fund. Sotomayor had been encouraged to join the board by federal judge José A. Cabranes, a mentor, who "said, 'She's a going-places kind of person,'" recalled Cesar Perales, the organization's co-founder and its executive director at the time. "That she very much believed in civil rights and is . . . wise beyond her years."

Founded in 1972, and backed by the Ford Foundation, among others, the Puerto Rican defense fund already had achieved victories in promoting bilingual education in the New York schools. Around the time Sotomayor joined, it was on the verge of its biggest coup, a challenge of City Council district lines that it argued were racially gerrymandered. The organization won an injunction forcing a last-minute postponement of the 1981 municipal elections, then a redrawing of the lines.

The organization went on to file successful discrimination challenges against the New York police, fire and sanitation departments; public housing and co-op complexes; and school districts that overused special-education designations for Hispanic pupils.

The organization's board had a limited role -- at bimonthly meetings, it set general priorities, oversaw personnel matters and discussed raising money, but it generally left the legal tactics to the dozen or so staff lawyers. "I wouldn't describe [the board] as a bunch of firebrands," Perales said, "but . . . they were people who very much believed in social justice and the use of the law to achieve social justice. We were very inspired by *Brown v. Board of Education* and how African Americans using the NAACP Legal Defense Fund were able to change America, and thought, could we not use that same tool to advance the Hispanic coalition?"

Sotomayor fit in. Showing a particular interest in the area of promoting younger Puerto Rican lawyers and law students, she stayed on the board for a dozen years, throughout her time in private practice, up until her nomination to the bench. "She could have easily hung up her hat, gone to a firm and said, 'I did that for two years,' but she said no," Cartagena said.

U.S. District Judge Victor Marrero, another co-founder of the organization, noted that many of the issues the fund battled persist today. "They're issues of social justice that haven't gone away," he said.

Community Involvement

In the late 1980s, Sotomayor broadened her civic involvement, joining the boards of the Maternity Center Association (now called Childbirth Connection), the New York Campaign Finance Board, and the New York Mortgage Agency, which provided discounted mortgage rates and closing-cost help for first-time homeowners in blighted areas and mortgage insurance for low-income housing developments.

Even after judicial rules required her to end her board memberships, Sotomayor has remained active in a less formal capacity: giving frequent speeches, appearing at Puerto Rican Bar Association events, serving as a moot court judge at Yale Law. Between 1999 and 2003, she was a member of the National Council of La Raza, the large nationwide Hispanic advocacy group at the heart of the immigration debate. An organization spokeswoman said that Sotomayor limited her membership to paying the \$35 annual dues and, records suggested, did not attend any conferences.

Testifying before the Senate in 1992 at her first confirmation hearing, Sotomayor told [Sen. Edward M. Kennedy](#) (D-Mass.) that she understood being a judge meant she would need to give up most of her civic roles -- a shift that she hinted she would rue. "I as an individual believe that those of us who have opportunities in this life must give them back to those who have less," she said.

Research director Lucy Shackelford and staff researcher Madonna Lebling contributed to this report.