

**I Feel Your Pain. Not Theirs. Yours.**by **Ann Coulter** ([more by this author](#))

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God save us from liberal "empathy." After President Barack Obama announced his empathetic Supreme Court nominee this week, Judge Sonia Sotomayor, we found out that some people are more deserving of empathy than others.

For example, Judge Sotomayor apparently "empathized" more with New Haven, Conn., government officials than with white and Hispanic firefighters who were denied promotions by the city on the basis of their race.

Let's hope she's as empathetic to New Haven residents who die in fires fought by inferior firefighters as a result of her decision.

In the now-famous firefighters' case, *Ricci v. DeStefano*, the New Haven Fire Department administered a civil service exam to choose a new batch of lieutenants and captains. The city went so far as to hire an outside consultant to design the test in order to ensure that it was job-related and not racially biased. (You know, just like all written tests were pre-screened for racial bias back when we were in school.)

But when the results came in, only whites and Hispanics scored high enough to earn promotions.

Such results never entice Democrats to reconsider their undying devotion to the teachers' unions that routinely produce students who can't read, write or do basic math. Obviously, disadvantaged children from single-parent homes suffer the most from inadequate public schools -- and their tragic outcome bedevils the entire society for the rest of the students' lives.

Instead, Democrats hide the failure of government schools by punishing the high-scoring whites, Asians and Hispanics, who presumably learned everything they know at home. (If only successfully applying a condom were relevant to firefighting, public school graduates raised in single-parent homes would crush the home-learners!)

So naturally, New Haven city officials decided to scrap the exam results and promote no one.

Seventeen of the high-scoring whites and one high-scoring Hispanic sued the mayor, John DeStefano, and other city officials for denying them promotions solely because of their race.

The district court ruled that there was no race discrimination because the low-scoring blacks were not given promotions either -- citing the landmark case, *One Bad Apple v. The Rest of the Barrel*. (That's the sort of sophistry we're taught in law school.)

Concerned that Sotomayor's famed "empathy" might not shine through in cases such as *Ricci v. DeStefano*, the Democrats are claiming -- as Obama spokesman Robert Gibbs said on MSNBC -- that she was merely applying "precedent" to decide the case. You know, just like conservatives say judges should.

This was an interesting claim, in the sense that it was the exact polar opposite of the truth.

To be sure, there is "precedent" for racial discrimination by the government, but *Plessy v. Ferguson* was overturned in 1954 by *Brown v. Board of Education*. If Sotomayor had another case in mind, she wasn't telling: The lower court's dismissal of the firefighters' case was upheld by Sotomayor and two other judges in an unsigned, unpublished opinion, titled, "Talk to the Hand."

Not only that, but Sotomayor's fellow Clinton appointee, Jose Cabranes (who sounds like an "empathetic" fellow), issued a blistering dissent from the appellate court's denial of a rehearing specifically on the grounds that the case "raises important questions of first impression in our Circuit -- and indeed, in the nation."

A "case of first impression" means there's no precedent. If there were a precedent, it would be a case of, at least, "second impression."

If it were merely "empathy" that explained liberal judges' lawless opinions, one might expect some liberal judges to have empathy for the white and Hispanic firefighters being discriminated against today, and others to have empathy for the hypothetical black firefighters discriminated against in times past.

But all liberals only have empathy for the exact same victims -- always the ones that are represented by powerful liberal interest groups. As Joe Sobran says, it takes a lot of clout to be a victim.

Thus, the media and Democrats seem to find successful Hispanic attorney Sotomayor much more "empathetic" than successful Hispanic attorney Miguel Estrada.

After aggressively blocking Estrada's nomination to a federal appeals court during Bush's first term solely on the grounds that he is Hispanic and was likely headed for the Supreme Court -- according to Senate Democrat staff memos -- now Democrats have the audacity to rave that Sotomayor will be the first Hispanic Supreme Court justice!

If Sotomayor is not more empathetic than Estrada, liberals at least consider her more Hispanic -- an interesting conclusion inasmuch as Sotomayor was born in New York and Estrada was born in Honduras.

Forty-four of 48 Senate Democrats voted to filibuster Estrada's nomination to the D.C. Circuit Court of Appeals, with congressman and professional Hispanic Raul Grijalva assuring them that just because "he happens to be named 'Estrada' does not give him a free ride."

The truth is liberals couldn't care less about Sotomayor being Hispanic. Indeed, liberals often have trouble telling Hispanic people apart, as James Carville illustrated on "Good Morning America" Wednesday morning when he kept confusing Miguel Estrada with Alberto Gonzales.

"Empathy," in Liberalspeak, is nothing but raw political power.

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