



Written by [Selwyn Duke](#) on January 28, 2022

Daily Beast: “White Men Can’t Wait to Get Mad About a Black Woman Supreme Court Justice”

Joe Biden has vowed to discriminate based on race and sex when choosing the next Supreme Court justice. If you complain about that and happen to be a white man, however, it’s because you just “can’t wait to get mad about a black woman” on SCOTUS. So says Daily Beast writer Kali Holloway, who, echoing many on the Left, has made that on-a-dime turn from equality to “equity” and proposes that if you bemoan prejudice, you just must be prejudiced.

As Holloway [wrote Friday](#):

For nearly 180 years, every American president made an unspoken pledge to only nominate white men to the U.S. Supreme Court. Race and gender went unmentioned, because they were foregone conclusions.

Historical revisionists enjoy the performative amnesia of complaining about how “we used to judge Supreme Court nominees on the basis of qualifications, character, and fitness” while pretending not to know that whiteness and maleness were the very first items on the SCOTUS eligibility checklist, but that’s phony nostalgia for you. America has always gone hard on identity politics; it was just white men whose identity was valued above all others.

Now a lot of those white men are hopping mad, firing off racist responses the minute President Joe Biden reaffirmed his campaign promise to nominate the first Black woman to the Supreme Court, without even waiting to find out what Black woman they’re attacking.



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It's not surprising that Holloway blames anger for opposition to Biden's affirmative-action aspirations. She's an angry woman. In fact, her rage just jumps off the page — and people tend to project their own motivations onto others.

Holloway does, however, get one matter right. "I'm not the first to point out that as a candidate, Ronald Reagan announced his plan to seat a woman on the court, but wasn't met with this kind of blowback," she writes. "Similarly, George W. Bush's pick of Clarence Thomas was clearly made to keep Thurgood Marshall's seat 'Black' — while also putting in a jurist who would carry out the white conservative agenda to its most extreme ends. And when Trump announced he planned to appoint a woman to replace Ruth Bader Ginsburg, there were crickets from the right about his 'identity politics.'"

It's true that Republicans play the identity politics game. Yet, first, a few of us [actually have lamented that reality](#) and pointed out that it's part of how conservatives conserve liberals' mistakes. Second, however, the GOP may play the game, but they didn't start it.

And who was going to initiate the blowback in the cases Holloway cites? The Left could never complain about the identity-politics motivations they birthed and their base expected, the Right couldn't buck the spirit of the age without risking electoral consequences, and people such as myself were [voices in the wilderness](#).

Holloway says the pushback against Biden's affirmative-action ambition is driven by what she calls "misogynoir" (which at least is clever), a belief that a black woman simply couldn't, in principle, be qualified. Yet if she could put aside her own prejudice, she might perceive that at issue is mainly politics.

Here's a promise: Let conservatives choose the black woman SCOTUS nominee, and they won't complain at all. Put Candace Owens on the court (as *technically* there's no requirement that you be a judge or even a lawyer) and they'll dance for joy. They just don't want a contempt-for-the-Constitution leftist.

Likewise, Biden and his power-driven fellows couldn't really care less about "equity" and "advancing the cause of minorities"; they just can't alienate the woke crew and their most loyal voting bloc: black women.

As for Holloway's claim that it's a myth that "we used to judge Supreme Court nominees on the basis of qualifications, character, and fitness," it's true that this wasn't *always* done. There was sometimes nepotism and the corruption of political favors. Moreover, while SCOTUS nominees' ideology wasn't a consideration early in our history, for ages now it has been, lamentably, preeminent. And, yes, there was racial discrimination.

Yet Holloway's implication essentially is that we should throw out the baby with the bathwater — it is to say that we haven't been morally perfect (an impossibility), so let's not try to be moral at all. But would she tell her child that lying is acceptable because man historically has often been quite dishonest? As with all human endeavors, meritocracy is never perfectly effected, but a healthy civilization strives for that ideal as it does every ideal.

The irony here is that Holloway hisses about what she calls past "identity politics." Yet she uses this, despite tacitly claiming it was immoral, as an argument for present identity politics — for actualizing that immoral system today.

What's more, she mischaracterizes the past with her complaint about white, male dominance. Now, it



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was once considered reflexive that men, not women, would fill judgeships. But this wasn't limited to America. In ancient Persia and Greece and Rome and before and beyond this was the *cultural* expectation: that men would be involved in creating and maintaining the civic order. Women's domain was the domestic order.

And who would those men be? It follows that in China they would be Asian; in 14th-century Egypt, Arab; and in 13th-century Africa, black. And in a United States once fairly close to 90 percent white, they would be white.

This, again, isn't to say there wasn't discrimination. It is to say that there's a big difference between this universal past phenomenon resulting from demographic realities and man's inherent tribalism and, in a modern, multiracial/ethnic civilization, reintroducing and institutionalizing divisive tribal norms.

Another major difference is that white men were decades ago, and are still today, a very large group with many highly educated members; this makes it relatively easy to find (if you actually look) qualified judges. But black women are only seven percent of the population, and only a minuscule percentage of them are judges (and *in practice* SCOTUS nominees are drawn from the judiciary). This is a pretty shallow bench.

So Biden's standard is a bit like saying that a spot on an NBA team's roster needs to be filled — but the new player must be an American Jewish man. Sure, you may get lucky and find a good basketballer applying that criterion, but your chances are greatly reduced.

In practice, however, the race and sex of Biden's pick will be largely irrelevant, because true qualifications won't be a priority regardless. In fact, both parties now always stay true to form.

The GOP will typically seek SCOTUS nominees who respect the Constitution as mainstream Republicans understand it (which is inadequately), will often misjudge their prospects, and will generally be disappointed (looking at you, John Roberts). The Democrats will without fail choose far-Left ideologues who'll act as a mere rubber stamp for their agenda. That is to say, no matter the race, color, or creed of Biden's nominee, the pick would assuredly vote in lock-step with justices Sonia Sotomayor and Elena Kagan.

So, at the end of the day, black Americans and all Americans end up being represented poorly, because the judges won't represent the only thing they should: the Constitution.



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