



Written by [R. Cort Kirkwood](#) on January 26, 2023

## Biden Federal Court Nominee Says Two Articles in Constitution Don't Ring a Bell

If Joe Biden gets his way, the federal courts will feature more dumbbells than a Gold's Gym.

The latest appointment from the man [who plagiarized](#) his way through law school, this one for the U.S. District Court for the Eastern District of Washington, is Charnelle Bjelkengren, now just a superior court judge.

During her confirmation hearing before the U.S. Senate Judiciary Committee, the judge couldn't answer two basic questions about the federal constitution.



Charnelle Bjelkengren

Bjelkengren is at least the second sub-par intellect Biden nominated for a major judgeship. The first was Ketanji Brown Jackson, who told senators that she could not define "woman."

Then again, Associate Justice Sonia Sotomayor confessed that her academic credentials to apply for law school were a tad light.

In other words, the federal courts are not the place to look for intellectual heavy lifters.

### **Kennedy Zinger**

The embarrassing moment for Bjelkengren began when GOP Senator John Kennedy of Louisiana asked a simple question.

"Tell me what Article 5 of the Constitution does."

Replied the stunned Bjelkengren:

Article 5 is not coming to mind at the moment.

"How about Article 2?" Kennedy continued:

Bjelkengren:

Neither is Article 2

[Article V established](#) the procedures for amending the Constitution, while [Article II established](#) the Executive Branch and how the president is elected.

Kennedy then asked whether she knew what purposivism is?

Bjelkengren:



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In my 12 years as an assistant attorney general, in my nine years serving as a judge, I was not faced with that precise question. We are the highest trial court in Washington state, so I'm frequently faced with issues that I'm not familiar with, and I thoroughly review the law, I research, and apply the law to the facts presented to me.

"Well, you're going to be faced with it if you're confirmed, I can assure you of that," Kennedy replied.

[Purposivism](#) is a sesquipedalian term for a form of judicial activism. As the late Associate [Justice Antonin Scalia explained](#), "purposivism, which can be used for interpreting statutes or the Constitution, is the judge sits back and says, 'What was this statute designed to do' and gives it whatever meaning most effectively achieves that end."

And they will do the same thing for the Constitution. What was the purpose, and whatever achieves the purpose, is what the Constitution means.

So Bjelkengren not only drew a blank on the U.S. Constitution, but also couldn't answer a simple question about an important approach to interpreting laws.

Maybe she was absent the day they taught that law in law school.

Joe Biden, who isn't the sharpest knife in the drawer either and [purloined material](#) for a law review article when he attended Syracuse University Law School, thinks she belongs on a federal court.

## **What's a Woman, "Affirmative Action Baby"?**

Although Bjelkengren proved she doesn't belong anywhere near a judge's robes and gavel, at least no one asked whether she could define "woman."

When GOP Senator Marsha Blackburn of Tennessee asked then-U.S. Supreme Court nominee Ketanji Brown Jackson to define "woman," [Jackson was flummoxed](#).

"Do you agree with Justice Ginsburg that there are physical differences between men and women that are enduring?" Blackburn asked the nominee.

Like Bjelkengren, Jackson didn't know what Blackburn was talking about, but that aside, then Blackburn delivered this blow:

**Blackburn:** *Can you provide a definition for the word "woman"?*

**Jackson:** *Can I provide a definition, no. I can't.*

**Blackburn:** *You can't?*

**Jackson:** *Not in this context. I'm not a biologist.*

**Blackburn:** *The meaning of the word woman is so unclear and controversial that you can't give me a definition?*

**Jackson:** *Senator, in my work as a judge, what I do is I address disputes. If there is a dispute about a definition, people make arguments and I look at the law and I decide.*

How Jackson will rule on a sex-discrimination case, then, is unknown

[Jackson also thinks](#) *The New York Times'* anti-American "1619 Project" is real history.

The project, an outgrowth of anti-white Critical Race Theory, falsely claimed that the American colonies seceded from England "in order to ensure slavery would continue."



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Jackson, apparently, believed that fairy tale.

Biden isn't the first Democrat to nominate the intellectually challenged to federal judgeships.

President Obama, a top-flight "community organizer" before he entered politics, appointed Sotomayor in 2009.

She had confessed she wasn't as qualified academically as other applicants who applied to Yale Law School.

"I am a product of affirmative action," [she said](#):

I am the perfect affirmative action baby. I am Puerto Rican, born and raised in the south Bronx. My test scores were not comparable to my colleagues at Princeton and Yale. Not so far off so that I wasn't able to succeed at those institutions.

Sotomayor has claimed her ethnicity gives her an edge over an old white man in making judicial decisions. "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," [she said](#).

As for the latest nominee, some remedial reading of the Constitution, it seems, is in order.



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