



Written by [Steve Byas](#) on June 30, 2021

## Biden's Affirmative-action Judicial Nominations Show Elections Have Consequences

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President Joe Biden continues to indicate, by his announcement of eight new federal judicial nominations on Wednesday, that he intends to fill the federal court system with as many new progressive judges as he can before the 2022 elections. As the Bible says, “for the devil is come down unto you, having great wrath, because he knoweth that he hath but a short time.” Biden and Democrat Senate Majority Leader Chuck Schumer of New York may not be the devil, but they certainly advance many of his causes.



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It has been the pattern for several decades. The political party that holds the White House generally loses seats in Congress in the subsequent mid-term election. With the Democrats hanging to a majority in the U.S. Senate only by virtue of Vice President Kamala Harris' availability to break a 50-50 tie, it is expected that the Republicans will regain a majority in the Senate after next year's elections.

Because of this fact, Democrats such as Biden, Harris, and Schumer realize that their ability to ram through new nominations of left-leaning judges to confirmation in the Senate could very well end then.

Already, Biden is setting records. It was President Richard Nixon, in 1969, who last had this many confirmations — seven — by the end of his first year in office.

President Donald Trump was able, with the help of a Senate majority during his entire four-year tenure, led by then-Senate Majority Leader Mitch McConnell of Kentucky, to have confirmed more than 230 federal judges. This precipitated the push by Schumer and others to “pack” the Supreme Court, by increasing the number of positions on the nation's highest court, for the obvious purpose of negating Trump's addition of three justices. While Biden has not yet been able to fill any vacancies on the Supreme Court, an examination of his nominees for district and circuit court judgeships reveals the stark truth that he is concentrating on “affirmative action” criteria — more women and more minorities, rather than merely qualified nominees regardless of race or sex.

Not just any woman, or just any minority nominee, of course, but nominees from the far left of the political spectrum. Biden is certainly not going to name an African-American such as Clarence Thomas to any federal judgeship, for example, and no constitutionalist-minded woman will ever be picked by Biden.

Among progressives, the definition of diversity is a progressive black person, a progressive woman, a progressive Hispanic, and even a progressive white guy, but conservatives don't fit the plan.



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Take, for example, Biden's nomination of Jennifer Sung, a member of the Oregon Employment Relations Board, to the Ninth Circuit Court of Appeals. (Circuit courts of appeal hear cases, on appeal, from federal district courts, and their decisions can be appealed to the U.S. Supreme Court). Sung's qualifications appear to be that she is a woman, a person of Asian ancestry — specifically of Pacific Islander descent — and no doubt most important of all, a labor lawyer and former union organizer. In other words, a person who is left-wing politically.

It is all politics, of course. Nominations such as Sung's are intended to increase the percentage of the vote for Democrats in the elections from certain identity groups, and also to increase the voting turnout from those in those groups.

Biden has already named the first Muslim to the federal bench, and has selected public defenders, civil-rights lawyers, labor lawyers, and other progressives, regardless of ethnicity or sex.

Elections have consequences. Those Republicans who either voted for Biden, voted for a third-party candidate, or did not vote at all last year in the presidential election because they did not like Trump's "tone," or his demeanor, or whatever, are partly to blame for all of this. Regardless of what one thinks of Trump's tone or demeanor, the election for president of the United States is very serious business.

Because Biden is in the White House instead of Trump (however suspect the election results may have been), he is getting to make these nominations instead of Trump. While Trump's nominees are not all what we would like, all the time, the *worst* judicial nomination of Donald Trump's has been better than the *best* of Joe Biden's.

And when one of Biden's leftist judges hands down an outrageous and unconstitutional decision, those who did not vote for Trump because he is sometimes gruff or otherwise not following all the rules of etiquette set forth by Amy Vanderbilt, should realize they are partly to blame.



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