



Written by [Bob Adelman](#) on February 25, 2022

## Biden's Supreme Court Nominee Faces Uphill Confirmation Battle

Joe Biden [nominated](#) Ketanji Brown Jackson, a federal judge currently serving on the U.S. Court of Appeals for the District of Columbia Circuit, to the Supreme Court on Friday. If confirmed she would replace Supreme Court Justice Stephen Breyer, who is retiring in June.

A liberal judge replacing a liberal justice. Senate confirmation of her should be an afterthought. After all, the so-called "conservative advantage" on the high court would remain in place, 6-3.

The White House exulted:



Judge Ketanji Brown Jackson (AP Images)

President Biden sought a candidate with exceptional credentials, unimpeachable character, and unwavering dedication to the rule of law.

He also sought a nominee — much like Justice Breyer — who is wise, pragmatic, and has a deep understanding of the Constitution as an enduring charter of liberty.

And the President sought an individual who is committed to equal justice under the law and who understands the profound impact that the Supreme Court's decisions have on the lives of the American people.

It confirmed that Jackson is a bonafide liberal with all the proper credentials:

She graduated magna cum laude from Harvard College, then attended Harvard Law School, where she graduated cum laude and was an editor of the Harvard Law Review.

After law school, Judge Jackson served in Justice Breyer's chambers as a law clerk.

She is a social justice warrior:

Judge Jackson served as a federal public defender from 2005 to 2007, representing defendants on appeal who did not have the means to pay for a lawyer.

And she is a black woman, meaning that she falls into the category that Biden said he would draw from for his Supreme Court pick:

If confirmed, she will be the first Black woman to serve on the Supreme Court.

In addition, she has written opinions savaging the Trump administration, including ruling in December denying President Donald Trump's claim that executive privilege protected White House records from



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being handed over to the House's January 6 witch-hunt committee.

The nomination is clearly political, designed to shore up sagging support among women, minorities, and soft Democrats.

Missing from the White House statement was any mention of the enormous hill her nomination must climb before she takes Breyer's seat next October. First, the Republican National Committee (RNC) has announced all-out war against her confirmation. Said RNC Chairwoman Ronna McDaniel:

Maybe the only promise Joe Biden has kept is his pledge to nominate a liberal, activist judge to the Supreme Court. Ketanji Brown Jackson is exactly that: a radical, left-wing activist who would rubberstamp Biden's disastrous agenda.

By picking Jackson, Biden put far-left special interests ahead of defending Americans' rights and liberties.

The Republican National Committee will make sure voters know just how radical Jackson is and remember at the ballot box in November.

That assumes Jackson gets that far. Her ties with Democrat "dark money" funding groups like Demand Justice are likely to provoke inquiry into that connection. Demand Justice is a left-of-center advocacy group that put her on their "select" list of potential nominees for Biden to consider. It applauded Biden's selection on Friday, saying that "Jackson would bring more experience as a trial court judge than any sitting Supreme Court justice."

Demand Justice, formed in 2018 and financed by "dark money" [money from unlisted and untraceable donors] from the Sixteen Thirty Fund, opposed the confirmations of Trump nominees Brett Kavanaugh and Amy Coney Barrett, and advocates for court packing — adding additional seats to the high court to be filled by Demand Justice-approved nominees.

Sixteen Thirty Fund, which the liberal *Atlantic* calls "the indisputable heavyweight of Democratic dark money," is primarily funded by four billionaires, including George Soros through his Open Society Foundations.

Judge Jackson will certainly be asked if she plans to recuse herself when *Students for Fair Admissions v. Harvard* arrives at the high court in October. As a current member of Harvard University's Board of Overseers, she has direct and intimate ties to the defendant in that case. As *National Review* noted:

The Senate should ... probe Jackson on her role in and approval of Harvard's policy of race discrimination which has led to vastly disparate effects on the admission rates for Asian students compared to African-American students with comparable academic records...

The Senate will be wholly justified in grilling Jackson to find out whether she supported Harvard's policy of race discrimination in her role on its Board of Overseers.

This is not a hypothetical question about a future case, which she could reasonably decline to answer; it is a question about her own record, and it goes to the core of whether she is committed to equal justice under the law for people of every race and ethnicity.

When Biden nominated her for her present position last spring three Senate Republicans jumped the fence and joined Democrats in confirming her. Provided with this additional evidence of racial



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discrimination by a justice “who,” according to the White House, “is committed to equal justice under the law,” those three, and any others considering confirming her to the high court, might just conclude that her confirmation has become too high a hurdle too to overcome during the upcoming Senate confirmation hearings.



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