



Written by [R. Cort Kirkwood](#) on January 31, 2022

## Clyburn Strong-armed Biden into Commitment on Black Woman for SCOTUS

President Joe Biden's promise to consider only black women to replace retiring U.S. Supreme Court Justice Stephen Breyer is not surprising. Pandering to minorities is what Democrat presidents do.

But what might be surprising is why Biden promised to declare that whites, Asians, and Hispanics — or men — need not apply.

Publicly at a debate in 2020, Biden said he would pick a black woman because “everyone must be represented” on the court, as if it were a representative legislature, not a panel of jurists who settle questions of constitutional law.



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James Clyburn

Privately off stage, Representative James Clyburn, the black Democrat from South Carolina, twisted Biden's arm: Promise to appoint a black woman, and you'll get my endorsement and the black vote.

Message: Do what I demand, or else.

### Clyburn Threat

Biden promised to appoint a black woman on February 25 2020. “I'm looking forward to making sure there's a Black woman on the Supreme Court to make sure we in fact get everyone represented,” he said.

In June that year, he said his list of possible appointments would include only black women.

And, of course, he repeated the promise last week when Breyer announced his retirement.

News reports about the vow discuss Clyburn as making an anodyne appeal for equality and inclusion. Without a black woman, the court just doesn't represent modern America.

But that isn't quite the whole story, as [Michael Isikoff reported](#) for Yahoo News. Fact is, Clyburn mau-maued Biden into the promise that night and likely saved his candidacy.

“The former vice president had been trounced in the Iowa caucuses (where he finished fourth) and the New Hampshire primary (where he came in fifth),” Isiloff reported, citing the book *Lucky: How Joe Biden Barely Won the Presidency*, by Jonathan Allen and Amie Parnes. “South Carolina was his firewall, and Biden was counting on a promised endorsement from the most powerful figure in the state's Democratic politics, House Majority Whip James Clyburn, the former chair of the Congressional Black Caucus, to revive his campaign.”

Clyburn asked Biden to commit to a black woman the night before the debate, Isikoff reported. Biden agreed. But on debate night, Clyburn grew “more and more frustrated” as the time passed and Biden



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said nothing, Allen and Parnes reported in *Lucky*.

He decided to make sure Biden got the message loud and clear, [Allen explained](#) on Yahoo's Skullduggery podcast. "So Clyburn gets up from his seat in the debate hall in the audience, and he makes a beeline for the exit," Allen said.

Backstage, Clyburn cornered Biden like a legbreaker collecting for a loan shark, Allen said. "Look, I told you that I wanted you to say that you were going to name a Black woman to the Supreme Court," Clyburn told Biden. "You haven't done it yet. You've had a bunch of opportunities. Don't you dare leave this stage without doing it."

In other words, if you want my endorsement, and the black vote here, you better do what you're told.

[Continued Isikoff:](#)

Biden took the message — or warning — from his most important political backer to heart. When the debate resumed, Biden delivered. "Everyone should be represented," he said when asked about his personal motto and the biggest misconception about him. "The fact is, what we should be doing — we talked about the Supreme Court. I'm looking forward to making sure there's a Black woman on the Supreme Court, to make sure we in fact get every representation." And then he added: "Not a joke."

### **Biden's Appointee**

Unhappily, Biden's choice — [J. Michelle Childs](#) — will always know she wasn't picked from among the most qualified pool of candidates. Her only competitors were other black women.

Yet at least top Democrats are honest. They openly confess that the main criteria for a seat on SCOTUS is race and sex. But they must also be leftists. Competence, erudition, and sound jurisprudence are secondary, if a concern at all.

For the record, [Biden filibustered](#) the nomination of Janice Rogers Brown to the D.C. Circuit Court of Appeals in 2003.

**H/T:** [Legal Insurrection](#)



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