



Confirmation of next Supreme Court justice could be different from past

by The National Desk

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WASHINGTON (TND) — The confirmation of the next Supreme Court justice could look very different than those of the past.

President Joe Biden has already promised to make history by nominating a Black woman to serve on the high court to replace retiring 83-year-old Justice Stephen Breyer. Biden said he plans to enter a nomination before the end of next month.

“I’ve made no decision except one, the person I nominate will be someone with extraordinary qualifications, character, experience and integrity,” Biden said while officially announcing Breyer’s retirement Thursday.

The nomination will allow him to fulfill a campaign promise to nominate a Black woman, something he has said is well overdue. The pledge was made while he was still struggling to secure the Democratic nomination.

“It was made right before the South Carolina primary when his campaign was arguably on life support and winning that primary in a runaway really changed the trajectory of his campaign,” said Thomas Berry, a research fellow at the CATO Institute.

Outside political forces are likely to play a role in Biden’s nomination. Progressives have been pressuring Breyer to step down while Democrats still have control of Congress, the latest example of external pressure on the Supreme Court.

“A clear example is Ronald Reagan in his first term, he campaigned on nominating the first woman to the Supreme Court,” Berry said. “He followed through on the that promise by appointing Sandra Day O’Connor. Similarly George H.W. Bush clearly understood the pressure and expectation to appoint an African American when Thurgood Marshall left the court.”

Regardless of who Biden chooses, the appointment process and confirmation hearing is predicted to be less contentious than more recent ones under former Presidents Donald Trump and Barack

Obama. Both made nominations to the Supreme Court during lame duck years with implications of altering its political balance.

"I think we should move quickly," Sen. Patrick Leahy, D-Vt., said. "The Supreme Court is facing a lot of disagreement in our country. Usually, the Supreme Court you could just rely on it. Now it's made the country more polarized. I think it's going to be necessary for our hearings to bring the country back together. "