



Cruz Slammed For Claiming Nominating Black Woman To Supreme Court Is 'An Insult To Black Women'

Alan Herrera

February 01, 2022

Senator Ted Cruz, a Texas Republican, was criticized for claiming that nominating a Black woman to the Supreme Court is "an insult to Black women," joining the chorus of Republican opposition to President Joe Biden's announcement that he would nominate a Black woman to replace Associate Justice Stephen Breyer, who recently announced his retirement.

Speaking on his podcast, "Verdict with Ted Cruz," Cruz called announcement "offensive" and suggested in a tweet that it must "suck to be Merrick Garland," a reference to the current United States Attorney General who was once former President Barack Obama's Supreme Court nominee and who never had a hearing in the Senate due to Republican obstruction.

Cruz said:

"The fact that he [Biden] is willing to make the promise at the outset, that it must be a Black woman, I've got to say that's offensive. You know, Black women are what, six percent of the U.S. population? He's saying to 94 percent of Americans, 'I don't give a damn about you.'"

"And he's also saying – it's actually an insult to Black women. If he came and said, 'I'm going to put the best jurist on the court and he looked at a number of people and he ended up nominating a Black woman, he could credibly say, 'Okay, I'm nominating the person who is the most qualified.'"

During his campaign, then-candidate Biden promised he would nominate a Black woman in the event of a Supreme Court vacancy, a decision that would reshape the court's liberal wing and highlight the lack of diversified voices on the nation's higher federal courts.

That promise is now front and center with Breyer's impending retirement, thanks to a short list of contenders that includes Ketanji Brown Jackson, who sits on the U.S. Court of Appeals for the District of Columbia Circuit, and Leondra R. Kruger, who sits on the California Supreme Court.

Many Republicans have complained that Biden is not selecting the best possible nominee, accusing Biden of engaging in "reverse racism."

Speaking to reporters yesterday, White House Press Secretary Jen Psaki condemned Republican hypocrisy and addressed allegations of "reverse racism" by citing a quote from former President Ronald Reagan, who in 1981 nominated former Supreme Court Justice Sandra Day O'Connor:

"I'd also note — I've heard that some conservatives may be fans of President Reagan and when he — former President Reagan — and when he nominated [former Supreme Court Justice] Sandra Day O'Connor he said, quote, 'Judge O'Connor's confirmation symbolizes the richness of opportunity that still abides in America — opportunity that permits persons of any sex, age, or [any] race, from every section and every walk of life, to aspire and achieve in a manner never before even dreamed about in human history.'"

Psaki then pointed to Biden's record of nominating Black women to circuit and appellate courts, stressing that it is not discriminatory to choose a qualified candidate from a background underrepresented in their field:

"I'd also note, if you look at the President's own record, not only has he nominated the most, the highest number of Black women to serve on the circuit court and the appellate court, but he has also nominated, across the board, the highest level of Ivy League nominees, right?"

"He has nominated a broad sway of extremely qualified, experienced, and credential nominees — credentialed nominees, and done that by also making them incredibly diverse. And so the President's view is that it is long past time to have a Black woman on the Supreme Court, and that it, again, reflects challenges or deficiencies in the past processes."

This past week, Ilya Shapiro, a prominent libertarian who was the senior fellow in constitutional studies at Cato Institute, was suspended from his position after claiming that President Biden was not going to nominate "the objectively best pick" but a "lesser Black woman" for the Supreme Court.

Shapiro did not necessarily walk back his remarks, however, claiming that "so blatantly using identity politics in choosing Supreme Court justices is discrediting to a vital institution."