

## One from column A and one from column B

I brushed off Joe Biden's campaign promise to appoint a Black woman to the Supreme Court back in 2020 because I still had faith that the Democrats' wouldn't drive the stake of identity politics into the heart of the Supreme Court. Every candidate makes promises he or she can't (or won't) keep to get a few thousand or million votes, and we all know that's the way the game is played, but when it comes to a question of merit versus pandering to certain voter groups, the Democrats have just struck a new low.

It was apparently not enough for the Left to call our country "systemically racist" and then force the new President to pepper his new cabinet with the 'right' Secretaries that "reflected our racial, ethnic and sexual orientation mix" with nominees that ticked off the boxes of Black, female, Hispanic, homosexual, etc. "No," said Joe's advisors and big money donors. "We need the Black woman vote and the way to get it is to convince them by sinking the hook of identity politics into the soft flesh of the highest court in the land. That way we'll show that we're on their side and prove that identity politics is inextricably linked with equity politics and that it's here to stay."

The most telling comment from the campaign were Joe's words that "we need a court that looks like the country," proving conclusively that merit and accomplishments were no longer even lip service paid to the few moderates left in the Democrat Party. Now it's official. Pigment and gender are the first and foremost qualifications necessary to get a high-level government job - even one that normally requires a wealth of experience and a proven track record of prudent and verifiable judicial decisions. Fuggedaboutit. We've now crossed over the bridge of reality, burned it behind us and have entered the political Twilight Zone where wisdom will no longer be a desirable survival skill. If you're a racial or ethnic minority you not only have a leg up on the majority; you stand head and shoulders above them and the water line of sensibility.

Welcome to the *new and improved* America where anybody can realize their potential, and those with little of their own can go to the head of the line, leap-frogging those who've studied hard, worked even harder and scrimped and saved to attend college and passed the bar exam and gone on to clerk for a judge and maybe even become one themselves. It's just too bad they happen to have been born White or male as it's now their turn to sit in the back of the bus or eat at a different lunch counter. Their Whiteness and the sins of their ancestors must be punished by the NAACP, the Southern Poverty Law Center, the Congressional Black Caucus, MSNBC and now the White House. It's time to pay the piper, time to atone. No matter we will be endangering our country as the City of New Haven, Connecticut almost did back in 2003.

The Ricci v. DeStefano case was about alleged unlawful discrimination under the Civil Rights Act of 1964. Twenty White firefighters at the New Haven Fire Department passed the test for promotion to a management position, yet the city refused to promote them because none of the Black firefighters who took the test scored high enough to be considered for promotion. New Haven officials invalidated the test results because they feared a lawsuit over the test's disproportionate exclusion of a certain racial group (Blacks) from promotion. The twenty White firefighters claimed discrimination under Title VII of the Civil Rights Act of 1964. Ultimately, the Supreme Court held 5 to 4 that New Haven's decision to ignore the test results violated Title VII because the city did not have a "strong basis in evidence" that it would have subjected itself to disparate impact liability if it had promoted the White firefighters instead of their Black colleagues.

I mention this case because it is illustrative of what identity political thinking and the elevated fear of possible discrimination of specific groups can do to us as a nation. We begin to question our basic sense of fairness and throw out centuries of historical precedents. Why should we be worried about a Black female Supreme Court justice nominee? The answer is we shouldn't IF she has been chosen for her jurisprudence and experience. Her skin color and gender should be incidental to the process. Lifetime appointments to the 'big bench' should not be the result of affirmative action nor be in response to any President's desire to make the court "look like the country."

If that were to become the litmus test, we would most certainly need to substantially enlarge the court to include: 'Pacific Islanders,' Muslims, two or three members of the 'alternative sexual lifestyle' and transgender community, a disabled man and woman and a Hispanic man to complement Justice Sotomayor's presence.

Picking the right people for any job is difficult enough on its own without demanding that we adhere to specific representation based on the demographic divisions of the country. In the final analysis, it's not how we look that matters; it's how we fulfill our obligations to our jobs that count.

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