

# **SOMETHING STINKS ABOUT KENTUCKY BUT IT'S A COMPLEX STINK**

[NB: check the byline, thanks. /~Rayne]

There are a bunch of people running around hair on fire right now bitching loudly and often about Biden fail.

Unfortunately much of this is a bunch of reflexive self sabotage by people who aren't slowing down to take a fucking breath and think things through.

Take a moment and inhale deeply, then exhale. Take a second to relax before the questions after this jump.

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What would you trade for 30-40 federal judgeships nominated by Biden and approved by the Senate before the end of this congressional term?

Would you trade one judgeship?

Now imagine if all of the 30-40 vacancies are filled with judges who have solid cred with Democratic Party values (read: pro-choice, pro-voters rights, pro-human rights).

Would you trade one future judgeship nominating an anti-abortion judge in a state which leans GOP for these vacancies?

That's the deal Biden is reported to have made with Mitch McConnell over a single federal judgeship picked by the Federalist Society earmarked for the next (not currently open) seat in Kentucky.

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Here's where it gets all fucked up:

There's no obvious open pre-emptive communications from the White House about this

deal and what's on the table. I imagine Biden didn't want to piss off McConnell or the rest of the GOP in order to pull off this deal so the White House went mum. There's no open seat so why get people rattled about this one seat while everyone is still extremely anxious over SCOTUS' bullshit *Dobbs* decision overturning *Roe*.

The media is doing is usual bullshit; Gannett-owned Courier-Journal in Kentucky is the originating source for this story, and it's solidly locked behind a paywall as most local Gannett papers tend to do. I can't tell exactly what the sourcing was for this reporting because I can't read it. For all I know the source was The Federalist Society itself, intent on fucking with Biden's approval rating. Or McConnell who so far has done plenty to trash Biden's approval with wall-to-wall obstruction holding all 50 GOP senators by the short hairs. Or perhaps even Rand Paul being his usual prickish self. Nobody running around yelling right now can offer any more details about sourcing.

Now G/O Media outlet Jezebel is running around trashing Biden based on Courier-Journal's reporting:

Biden's latest, deeply hypocritical move comes after he claimed to be fiercely defending women's right to abortion now that states have been given the green light to ban it outright.

It's as if they didn't read the sourcing of their own fucking reporting, like this bit right here:

The federal courts are extremely important right now. The Republican Party's (read: Mitch McConnell's) entire strategy for the past few years has been to pack them with conservatives who will shut down any lawsuit attempting to defend abortion rights. Biden is under a lot of pressure to fill the current court vacancies he has with judges who

are friendly to reproductive rights. And instead, he is making deals with McConnell to allow more anti-abortion judges into the fray.

The link is to a piece in Bloomberg Law, which reports,

Progressives want the White House and Senate Democrats to move faster. The usual summer congressional slowdown and November midterm campaigning leaves limited time for committee and floor action before a lame-duck session to end the year.

Senate Democrats, who have confirmed 16 circuit nominees in the first year and a half of Joe Biden's presidency, are aiming to nearly double the tally in the next six months.

But filling all available vacancies is unlikely without changes to how the majority manages vetting, said John Collins, a George Washington University professor who tracks judicial nominations. "I just don't think there's enough time," Collins said.

The hazard for Biden is that a Republican-controlled Senate would confirm few, if any, of his appellate nominees during the final two years of his first term. The 13 circuit courts are the last word on virtually all federal appeals.

Progressives wanted more federal judgeships faster.

Senate Dems want to confirm 32 before the end of the year.

If the Democrats can streamline vetting, there are at least 40 vacancies to be filled – not a one of them in Kentucky.

McConnell wants one future judgeship vacancy in his state in order to facilitate rapid approval.

But that's not what Jezebel wanted to tell you. Oh no – it's easier to fall back on the tried-and-true the "Biden's Busted" variant of "Dems in Disarray" crap because the media in general has conditioned its audience not to question this. You the reader are meant to be braindead and go with it because you'll have to pay to validate the reporting of one story to get to the bottom of this and you the audience may not know where and how to look for the number of federal judgeship vacancies.

Like here.

Just look at all the pretty red state vacancies!

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Now the caveat: because the White House hasn't issued formal communications about this alleged deal, it's just that, an allegation – pure vaporware. We do not know with a degree of certainty who agreed to what in order to accomplish their aims.

Until we see something formal directly from a party to the agreement, this should be treated as speculation.

And it's speculation Jezebel fell for, hook, line, and sinker.

(Side note: Probably doesn't hurt to recall G/O Media is the successor to Gawker. Gawker's Gizmodo outlet fell for bullshit about Facebook being biased against conservatives just in time to get played before the 2016 election really heated up and Gawker went bankrupt thanks to Peter Thiel.)

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There are a LOT of "Biden/Dem Fail" stories out there right now kicking around social media. Do NOT take them at face value. Dig in, looking for sourcing and attribution, business model if any involved; always ask, "Cui bono?"

For crying out loud we all know the right-wing continues to follow Bannon's playbook, "flooding the zone with shit"; they're desperate to push both the House January 6 Committee hearings and the anger of childbearing people off the front page and out of social media.

That's not to say the Democrats at various levels of the party ecosphere aren't screwing up. Communications are a massive problem; they're not bringing their A-game even though they know the right-wing ecosphere is well organized, well funded, and willing to be extremely nasty. Yet Dems top to bottom, elected to grassroots are still bringing butter knives to AR-15 gunfights instead of embracing the Chicago Way.

(As much as I respect Michelle Obama and her ethic, "We go high," it doesn't work with Nazis and Nazi enablers. Punch Nazis literally and figuratively. Concede no ground.)

Most – not all, thank you Elizabeth Warren and Alexandria Ocasio Cortez, for example – are making huge mistakes with fundraising right now off the back of the Dobbs decision. Stop it. Just stop.

Make instead an ask for action, tell Democratic voters what they can do first in order to beat back the fascist GOP's attacks. Make money an ask at the end, not first.

And for dogs' sake, get the fundamentals right, like copy editing and proofreading. Nothing makes any ask look more like a phishing attempt than half-assed communications.

But elected and appointed Dems, and Democratic Party officials with the DNC or state parties aren't the only ones fucking up.

We are when we swallow bullshit without questioning it first, without pushing back whether there's any merit to the bullshit or not, when we share the bullshit like stenographers without making a truth sandwich first a la George Lakoff, and when we don't do

our bit to be the left-wing media ecosphere we don't otherwise have because we don't buy big corporate media machines like the right-wing does. Share good, accurate news, rinse, repeat. Focus on driving constructive action.

Stop letting the right-wing kick our asses. Pull up your big people panties and fight back like you mean it. Make sure you're aiming at your opposition not your own team.