

# Biden names conservative appeals court judge Merrick Garland as attorney general

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On Thursday, President-elect Joe Biden announced his selection of appeals court judge Merrick Garland to be his attorney general. This was followed Friday by the announcement of his final cabinet nominees, including Rhode Island Governor Gina Raimondo as commerce secretary and Boston Mayor Marty Walsh as secretary of labor.

In announcing his selections Friday, Biden once again boasted that his cabinet was the “most diverse” in US history, noting that he had previously nominated “the first woman secretary of Treasury,” an “African-American as secretary of defense” and “a gay transportation secretary.”

While Biden’s nominees certainly come in all shapes, hues and sizes, their allegiance to the ruling class is no less complete than that of their predecessors in the Trump administration. All of them are tried-and-true servants of big business and the military/intelligence establishment. Judge Merrick Garland of the US Court of Appeals for the DC Circuit is a former prosecutor who was elevated to the most powerful federal appeals court by Bill Clinton. When arch-reactionary Supreme Court Justice Antonin Scalia died in early 2016, President Barack Obama nominated Garland to fill the seat. Obama chose Garland with the idea that his law-and-order credentials would placate the Republican-controlled Senate and its majority leader, Mitch McConnell.

As an appeals court judge during the Bush and Obama years, Garland endorsed the right-wing theory of “deference” to the executive, according to which executive agencies are presumed to be acting reasonably and lawfully. Garland joined a unanimous decision of the DC Circuit that expanded the scope of corporate-controlled Super PACs in funding election campaigns. He rejected lawsuits from Guantanamo Bay

prisoners, ruling in *Hatim v. Obama* (2014) that humiliating and vindictive genital searches of detainees were “reasonable security precautions.”

In 2016, the *New York Times* interviewed former Reagan administration lawyer Joe diGenova, who vouched for Garland. Last month, during a Newsmax podcast, diGenova said that former Department of Homeland Security official Chris Krebs “should be drawn and quartered, taken out at dawn and shot,” after Krebs, as head of the Cybersecurity and Infrastructure Security Agency, disputed Donald Trump’s lie that the presidential election was rife with vote fraud and Biden’s win was illegitimate.

Back in 2016, diGenova told the *Times* that Garland “is a profoundly serious guy who really should be the kind of person you want to have on the Supreme Court.” The Republican lawyer added, “If Obama wants to get a fantastic judge on the court, he’s got one ready to go in Merrick Garland.”

Despite this ringing endorsement, McConnell refused to bring the nomination to the floor, leaving the seat vacant until the election of Trump, who promptly filled the seat with far-right Judge Neil Gorsuch.

Prospective Commerce Secretary Gina Raimondo is a former hedge fund manager. In accepting her nomination, the Rhode Island governor touted her ability to “bring business and workers together in common cause,” and pledged to work for an “inclusive recovery” that would involve “bringing back jobs from overseas.”

Raimondo is notorious for pushing through Rhode Island’s 2011 public pension “reform,” which raised the minimum age of retirement from 62 to 67 and eliminated cost of living increases. Raimondo, who at the time was state treasurer, proceeded to invest at least \$1 billion of Rhode Island’s pension funds in hedge

funds. In 2013, the *Providence Journal* estimated that some \$70 million in fees was paid to the hedge fund managers who had been chosen by Raimondo as part of the so-called “pension reform.”

As governor, Raimondo implemented an agenda of austerity for the working class and handouts to the rich. In 2015, she announced plans to “reinvent Medicaid,” claiming that the program of medical insurance for the poor was “unsustainable” and no cuts could be “taken off the table.” Her “reinvention” resulted in the privatization of the management of Medicaid and cuts to the program, including nearly \$60 million in 2020.

More recently, in the midst of the COVID-19 pandemic, which has killed nearly 2,000 people in Rhode Island, Governor Raimondo issued an executive order shielding nursing homes from liability for improper care and unsafe conditions. According to a report by the Kaiser Family Foundation, Rhode Island is one of two states where over 70 percent of COVID-19 fatalities are linked to nursing homes.

Rounding out his cabinet, Biden announced the selection of Boston Mayor Marty Walsh for the post of secretary of labor. Walsh backed the removal last month of an iconic statue depicting Abraham Lincoln and a freed slave, following a vicious racist campaign against the monument.

Walsh has worked closely with the Boston Teachers Union to blackmail educators back into the classroom in order to facilitate the return of parents to unsafe workplaces. In accepting the nomination, Walsh signaled his support for the trade union bureaucracy by pledging to “grow union membership.”

AFL-CIO President Richard Trumka hailed the selection of Walsh, saying, “Boston Mayor Marty Walsh will be an exceptional labor secretary for the same reason he was an outstanding mayor: he carried the tools.”

In announcing his nomination of Walsh, Biden said he had discussed the matter with Vermont Senator Bernie Sanders beforehand. According to Biden, it was Sanders who suggested that Biden appoint Walsh instead of him to the cabinet post, so that the Democrats could retain control of the incoming Senate.

Biden’s gesture to Sanders was a political bone thrown to Sanders and his fellow “progressives,” who have been completely frozen out of Biden’s right-wing cabinet after having hustled votes for Biden and

promoted a Biden administration as the most progressive since Franklin Delano Roosevelt’s New Deal.

Biden’s cabinet is packed with veterans from Wall Street, including two former BlackRock executives and Janet Yellen, the former Federal Reserve chair, as well as the military-intelligence and foreign policy establishment. This includes retired Gen. Lloyd Austin, a former commander in the Iraq war, as Secretary of Defense.



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