



Written by [R. Cort Kirkwood](#) on September 14, 2021

Biden Nominee Ducks Question From Cruz About Kavanaugh Smear

In today's confirmation hearing for the U.S. Ninth Circuit Court of Appeals, President Joe Biden's nominee refused to back up a defamatory claim she signed about U.S. Supreme Court Associate Justice Brett Kavanaugh.

Jennifer Sung, a leftist graduate of Yale Law School, appeared before the Senate Judiciary Committee and ducked a question from GOP Senator Ted Cruz of Texas.

Does Sung believe, Cruz asked, that Kavanaugh is "intellectually and morally bankrupt," as she did when President Trump nominated him for SCOTUS.

The nominee didn't answer.



Senator Ted Cruz (AP Images)

Sen. Ted Cruz asks Biden 9th Circuit nominee Jennifer Sung if she believes Justice Brett Kavanaugh is "intellectually and morally bankrupt."

Sung: It was "rhetorical advocacy."

Cruz: "It is disappointing that you refuse to answer that question, it's a simple yes, no question." pic.twitter.com/HYrYDWiLOM

— Steve Guest (@SteveGuest) [September 14, 2021](#)

Overheated Rhetoric

Cruz asked about a letter Sung signed with dozens of other hate-Kavanaugh law school and other alumni.

Kavanaugh "presents an emergency — for democratic life, for our safety and freedom, for the future of our country," the [letter claimed](#) with the usual leftist hysterics:

Since his campaign launched, Trump has repeatedly promised to appoint justices who would overturn *Roe v. Wade*. Overturning that decision would endanger the lives of countless people who need or may need abortions — including many who sign this letter. Trump's nomination of Judge Kavanaugh is a reliable way to fulfill his oath.

Background: In July 2018, Sung signed a letter calling calling Kavanaugh an "intellectually and morally bankrupt ideologue." <https://t.co/pvFZSkoe2u>



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Noting in the language of the Left that Kavanaugh “ruled to deny a detained immigrant minor her constitutional right to abortion,” the letter further explained that Kavanaugh threatened the “right” to obtain contraception and “other forms of medical care (including care for transgender patients),” as well as “family privacy, and sexual liberty.”

Even worse, he “would also act as a rubber stamp for President Trump’s fraud and abuse.” And he “undermined attempts to protect the environment and regulate predatory lenders and for-profit colleges,” the [letter continued](#):

He has called now-defunct Net Neutrality regulations violations of the First Amendment. If elevated, the judge would pose an existential threat to the government’s ability to regulate for the common good and further twist the First Amendment beyond recognition, using it as a sword to advance his personal political preferences. His appointment would usher in a new era of *Lochner*, with “black-robed rulers overriding citizens’ choices.”

So Kavanaugh is, or was, an “intellectually and morally bankrupt ideologue intent on rolling back our rights and the rights of our clients.”

Cruz’s Question

Understandably, Cruz, a strong Kavanaugh supporter, asked Sung about it: “Do you believe Justice Kavanaugh is ‘intellectually and morally bankrupt?’”

Replied Sung, “Senator, I would want every Supreme Court justice to know, including Justice Kavanaugh, that I respect, completely, their authority as a Supreme Court justice, and I would follow their precedents without reservation.”

“You’re an experienced lawyer,” Cruz continued. “You know when someone’s not answering a question. My question was simple and straightforward.” He repeated the question.

“As I stated earlier, I recognize that that statement was overheated rhetoric, and that’s all it was,” Sung answered.

So Cruz tried again:

Cruz: I’m going to try one more time, because you signed your name to it and it wasn’t decades ago. It was very recent. You signed your name to this statement. I’m asking simply today: Do you believe that Justice Kavanaugh is “intellectually and morally bankrupt?” You signed your name to that proposition, do you still believe it?

Sung: As I stated, that was rhetorical advocacy only, that I signed strictly in my personal capacity as a private citizen, addressing my alma mater, and throughout my legal career as a litigator, as an adjudicator, I have followed all of the court’s precedents. I have respected every precedent.

Cruz pronounced himself “disappointed” that Sung refused to answer a question he asked three times. Earlier in the hearing, Sung apologized for signing the letter.

“I did not write the letter, but I recognize that much of its rhetoric was overheated,” [she told](#) committee



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chieftain Richard Durbin (D-Ill.). “And if by signing that letter I created the impression that I would prejudge any case or fail to respect the authority of any Supreme Court justice or any of the court’s precedents, then I sincerely apologize.”

Sung did not apologize for smearing Kavanaugh’s moral character.

Hat tips: [Fox News](#), [Bloomberg Law](#)



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