



April 27, 2021

**SUPPORT THE CONFIRMATION OF JUDGE KETANJI BROWN JACKSON TO
THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Judge Ketanji Brown Jackson to the U.S. Court of Appeals for the District of Columbia Circuit.

Judge Jackson is exceptionally qualified and has devoted her career to pursuing equal justice under the law. Throughout her entire career she has demonstrated a strong commitment to civil and human rights, and since 2013, she has proven to be a fair-minded jurist on the U.S. District Court for the District of Columbia. Prior to serving on the bench, she served as vice chair of the U.S. Sentencing Commission, engaged in private practice, served as a federal public defender, and clerked for Judge Patti Saris of the U.S. District Court for the District of Massachusetts, Judge Bruce Selya of the U.S. Court of Appeals for the First Circuit, and Associate Justice Stephen Breyer of the U.S. Supreme Court. Judge Jackson graduated from Harvard-Radcliffe College and Harvard Law School.

Judge Jackson's professional background as a federal public defender brings much-needed experience to the bench. Public defenders play a critical role in our legal system, yet they are underrepresented in the federal judiciary. There are four times as many former prosecutors on the federal bench than former criminal defense lawyers;¹ just over 2 percent of federal appellate judges have experience as a public defender.² The judiciary needs to reflect the diversity of the legal profession, including more judges experienced in ensuring that defendants have counsel and that their rights are recognized. Judge Jackson would bring this meaningful experience to the D.C. Circuit.

If confirmed, Judge Jackson would be the first Black woman appointed to any federal appellate court in nearly 10 years. The historic exclusion of Black women from the judiciary is a well-documented problem.³ A federal bench that represents and reflects the vast diversity

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¹ Neily, Clark. "[Are a Disproportionate Number of Federal Judges Former Government Advocates?](#)" *Cato Institute*. September 18, 2019.

² "[Biographical Directory of Article III Federal Judges, 1789-present](#)." *Federal Judicial Center*. Accessed April 2021.

³ Sen, Maya. "[Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#)." 2017 *Wis. L. Rev.* 367 (2017).

of our nation is vital to robust and informed decision-making and helps foster more public trust in our judiciary.⁴ Judge Jackson’s confirmation would build that needed trust.

Judge Jackson’s vast experience and record make her eminently qualified to serve on the D.C. Circuit. For four years, Judge Jackson served as vice chair and commissioner of the U.S. Sentencing Commission. During that time, the commission implemented crucial bipartisan reforms to federal sentencing guidelines that had a disproportionate impact on Black and Brown defendants, as well as their families and communities.⁵ For example, when the commission voted to retroactively apply the new guidelines reducing significant sentencing disparities between crack cocaine and powder cocaine offenses, Judge Jackson argued the necessity of doing so based on data and public comments, as well as fundamental fairness.⁶ She noted that failure to apply the amended guidelines retroactively would harm not only those serving sentences pursuant to the prior guidelines, but all people who believe in fairness and in equal application of the law.⁷ During a public meeting, she said, “Today the commission completes the arc that began with its first recognition of the inherent unfairness of the 100:1 crack/powder disparity all those years ago. I say justice demands this result.”⁸ While our criminal-legal system is still in desperate need of reforms to make it more fair for more people, this was an important step to address sentencing disparities.

Since 2013, Judge Jackson has served with distinction on the U.S. District Court for the District of Columbia. In this time, she has issued rulings in more than 550 cases.⁹ Throughout her tenure, she has demonstrated her commitment to civil and human rights and her even-handed approach to the law. For example:

- Judge Jackson has repeatedly upheld the rights of people with disabilities. She ruled in favor of William Pierce, a deaf person who was unlawfully denied accommodations while in prison.¹⁰ She also ruled that Uber may be held liable for failing to provide transportation services that can be fully and equally enjoyed by people who use wheelchairs.¹¹
- Judge Jackson has approached the rights of working people with fair-mindedness. After labor unions challenged a number of Trump administration executive orders designed to eviscerate the right to collective bargaining for federal workers, she ruled that several provisions — including limitations on official time, bans on employees communicating with Congress, and other provisions impacting collective bargaining and employee removals — were unlawful.¹²

⁴ *Id.* at 373.

⁵ These changes included bipartisan efforts to reduce draconian sentencing practices and ensure that sentencing guidelines aligned with federal law. *See, e.g.*, “[U.S. Sentencing Commission Public Meeting Minutes](#),” *U.S. Sentencing Commission*. April 6, 2011. Pgs. 11-12. (Reducing the 100:1 sentencing disparity between crack cocaine and powder cocaine offenses and ending mandatory minimums for simple possession of crack cocaine); “[U.S. Sentencing Commission Public Meeting Minutes](#),” *U.S. Sentencing Commission*. April 10, 2014. Pg. 16. (Reducing guideline ranges for certain offenses that tied punishment to drug quantities); “[U.S. Sentencing Commission Public Meeting Minutes](#),” *U.S. Sentencing Commission*. July 18, 2014. Pg. 8. (Reducing guidelines for certain nonviolent drug trafficking offenses retroactively).

⁶ “[U.S. Sentencing Commission Public Meeting Minutes](#),” *U.S. Sentencing Commission*. June 30, 2011. Pg. 3.

⁷ *Id.* at 4.

⁸ “[Crack Cocaine Sentencing](#),” *C-SPAN*. June 30, 2011. Remarks at 18:33.

⁹ Jackson, Ketanji Brown. [U.S. Senate Committee on the Judiciary: Questionnaire for Judicial Nominees](#). Pg. 41.

¹⁰ *Pierce v. District of Columbia*, 128 F.Supp.3d 250 (D.D.C. 2015).

¹¹ *Equal Rights Center v. Uber Technologies, Inc.*, 2021 WL 981011 (D.D.C. 2021).

¹² *AFGE v. Trump*, 318 F.Supp.3d 370 (D.D.C. 2018).

- Judge Jackson has a record of upholding the rights of immigrants, including undocumented residents and asylum seekers. She found that the Trump administration’s efforts to dramatically expand the government’s expedited deportation powers could cause irreparable harm to immigrant communities.¹³ She also blocked a U.S. Citizenship and Immigration Services practice that unlawfully limited the number of immigrants who could successfully prove their need for asylum.¹⁴
- Judge Jackson defended reproductive health and rights. In one case surrounding the Trump administration’s dismantling of the Teen Pregnancy Prevention Program,¹⁵ she found that the decision to terminate the grant program without any explanation and in violation of clear regulations was unlawful.¹⁶
- Judge Jackson’s record on environmental protections also demonstrates her fair-mindedness as she has ruled in favor of government transparency and public access to Food and Drug Administration data that impacts health and environmental concerns.¹⁷ She also found that the Coast Guard acted lawfully when it detained and investigated ships that had violated environmental laws on oil spills.¹⁸
- Judge Jackson has carefully approached questions dealing with the separation of powers and executive authority to defend the Constitution and its principles. Judge Jackson ordered former White House Counsel Don McGahn to appear before the House Judiciary Committee after the committee issued a subpoena to him related to its investigation of Russia’s interference in the 2016 election and potential obstruction of justice by President Trump.¹⁹ She rejected the Department of Justice’s arguments that senior presidential advisors have absolute immunity from congressional subpoenas, powerfully saying, “The primary takeaway from the past 250 years of recorded American history is that Presidents are not kings... Rather, in this land of liberty, it is indisputable that current and former employees of the White House work for the People of the United States, and that they take an oath to protect and defend the Constitution of the United States.”²⁰

Judge Jackson’s vast record and fair-minded approach to the law demonstrate that she is exceedingly qualified to be elevated to the D.C. Circuit. Indeed, the Senate has already found Judge Jackson qualified, unanimously confirming her twice — in 2010 for the Sentencing Commission, and again in 2013 for the U.S. District Court for the District of Columbia. Her vast experience as a public defender, a private attorney, a federal judge, and the vice chair of the Sentencing Commission show her record of defending and upholding fair sentencing practices, access to justice, disability rights, workers’ rights, immigrants’ rights, reproductive rights, environmental protections, and other essential civil and human rights.

¹³ *Make the Road New York v. McAleenan*, 405 F.Supp.3d 1 (D.D.C. 2019).

¹⁴ *Kiakombua v. Wolf*, 2020 WL 6392824 (D.D.C. 2020).

¹⁵ Chuck, Elizabeth. “[Trump Administration Abruptly Cuts Funding to Teen Pregnancy Prevention Programs](#).” *NBC News*. August 25, 2017.

¹⁶ *Policy and Research LLC v. HHS*, 313 F.Supp.3d 62 (D.D.C. 2018).

¹⁷ *Government Accountability Project v. Food & Drug Administration*, 206 F.Supp.3d 420 (D.D.C. 2016).

¹⁸ *Watervale Marine Co. v. U.S. Department of Homeland Security*, 55 F.Supp.3d 124 (D.D.C. 2014).

¹⁹ *Committee on Judiciary, U.S. House of Representatives v. McGahn*, 415 F.Supp.3d 148 (D.D.C. 2019).

²⁰ *Id.* at 213.

As Judge Jackson said in March 2021 while accepting Columbia Law School’s Constance Baker Motley Award for empowering women of color lawyers and advancing the rights of people of color, “We are now charged with the responsibility... of doing the work that is necessary to protect the rule of law and to promote equality and justice for all.”²¹ That responsibility to work towards equal justice is an essential duty of our judicial branch, and Judge Jackson’s record proves that she is immensely qualified to render that justice on the D.C. Circuit — which decides cases of significant importance to all communities.

We strongly urge the Senate to swiftly confirm Judge Ketanji Brown Jackson to the D.C. Circuit. If you have any questions or would like to discuss this matter further, please contact Lena Zwarenstejn, Senior Director of the Fair Courts Campaign, at (202) 466-3311. Thank you for your consideration.

Sincerely,



Wade Henderson
Interim President & CEO



LaShawn Warren
Executive Vice President of Government Affairs

²¹ Jackson, Ketanji Brown. “Remarks for the Empowering Women of Color Sixth Annual Constance Baker Motley Gala, Columbia Law School.” March 12, 2021. *Questionnaire for Judicial Nominees: Attachments to Question 12(a)*. Pg. 455.