

April 5, 2022



**SUPPORT THE CONFIRMATION OF JUDGE KETANJI BROWN JACKSON
TO THE SUPREME COURT OF THE UNITED STATES**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 205 undersigned organizations, we write to express our strong support for the confirmation of Judge Ketanji Brown Jackson to serve as an associate justice of the Supreme Court of the United States.

Judge Jackson will be a tremendous addition to the Supreme Court. Her broad and impressive legal career has demonstrated her commitment to civil and human rights, and during her time as a judge, she has earned a stellar reputation for being an outstanding, fair-minded arbiter of justice. The U.S. Senate has already confirmed Judge Jackson three times with bipartisan support on each occasion. Since June 2021, Judge Jackson has served with distinction on the U.S. Court of Appeals for the D.C. Circuit. Prior to her elevation to the D.C. Circuit, she spent eight years as a district court judge on the U.S. District Court for the District of Columbia. Before her judicial service, she served as vice chair of the U.S. Sentencing Commission from 2010 to 2014. Judge Jackson worked as an assistant federal public defender in the Office of the Federal Public Defender in the District of Columbia and as assistant special counsel at the U.S. Sentencing Commission. She has also worked in private practice as of counsel at Morrison & Foerster and as an associate at the Feinberg Group, Goodwin Procter, and Miller, Cassidy, Larocca & Lewin. She also helped train future lawyers, teaching classes on trial advocacy and federal sentencing at Harvard Law School and George Washington School of Law, respectively. A graduate of Harvard University and Harvard Law School, she 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 Supreme Court. Judge Jackson's vast experience and record make her eminently qualified to serve on the Supreme Court.

Judge Jackson's depth and breadth of experience would bring much needed perspectives to the Supreme Court. For four years, Judge Jackson served as vice chair and commissioner of the U.S. Sentencing Commission, an agency created by Congress to reduce sentencing disparities and promote transparency and proportionality in sentencing.¹ During that time, the commission implemented crucial bipartisan reforms to federal sentencing guidelines to address their disproportionate impact on Black and Brown people, as well as their families and communities.² For example, when the commission voted to

¹ [About](#), United States Sentencing Commission (accessed March 2022).

² 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

retroactively apply the new guidelines reducing significant sentencing disparities between crack cocaine and powder cocaine offenses, Judge Jackson argued the necessity of doing so, noting 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.³ 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.

Judge Jackson will be the first justice with any significant criminal defense experience since the retirement of Justice Thurgood Marshall in 1991, and she would be the only Supreme Court justice to have ever served as a public defender.⁴ Public defenders play a critical role in our legal system, yet they are vastly underrepresented on the federal bench. At all levels of our judiciary, there are nearly six times as many former prosecutors on the federal bench than former criminal defense lawyers,⁵ and just over 5 percent of federal appellate judges have experience as a public defender.⁶ During her D.C. Circuit Court confirmation hearing, Judge Jackson explained how her work as a public defender has informed how she approached litigants in her courtroom. She noted that during her time as a public defender, when she would discuss a client’s appeal with them, she was surprised to learn how little had been explained to them about the criminal-legal system up to that point. She said that they “had just been through the most consequential proceeding in their lives and no one really explained to them what they were supposed to expect, so they didn’t know where things might have gone wrong.”⁷ Judge Jackson would therefore take time to explain the proceedings to the litigants in her courtroom, taking particular care to explain any sentencing decisions to defendants — believing that this understanding is “really important for our entire justice system because it’s only if people understand what they’ve done, why it’s wrong, and what will happen to them if they do it again that they can really start to rehabilitate.”⁸ Our highest court should reflect the diversity of the legal profession, and Judge Jackson’s meaningful experience is greatly needed on our Supreme Court.

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).

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

⁴ Ann E. Marimow & Aaron C. Davis, [Potential pick Ketanji Brown Jackson would make history as first federal public defender on Supreme Court](#), NEW YORK TIMES (Feb. 11, 2022).

⁵ Neily, Clark, [Are a Disproportionate Number of Federal Judges Former Government Advocates?](#), CATO INSTITUTE (May 27, 2021).

⁶ [Biographical Directory of Article III Federal Judges, 1789-present](#), Federal Judicial Center (Accessed March 2022) Search includes all judges for the U.S. Courts of Appeal who listed “public defender” or “federal defender” as non-volunteer work experience.

⁷ [Nominations Hearing](#), United States Senate Committee on the Judiciary (April 28, 2021).

⁸ *Id.*

Since 2013, Judge Jackson has served with distinction on the federal bench, first on the U.S. District Court for the District of Columbia and, since 2021, on the D.C. Circuit. Throughout her tenure, she has demonstrated her even-handed approach to the law. For example:

- Judge Jackson has a record of upholding the rights of immigrants. She found that executive efforts to dramatically expand the government’s expedited deportation powers could cause irreparable harm to immigrant communities.⁹ 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.¹⁰ Importantly, Judge Jackson treats immigrants and immigrant communities with dignity and respect by refusing to use the terms “illegal” or “alien,” regardless of her ruling on a matter.¹¹
- Judge Jackson has approached the rights of working people with fair-mindedness and ensured all people have access to justice, not just the wealthy and powerful. In her first published opinion on the D.C. Circuit, Judge Jackson ruled that a policy change introduced by the Federal Labor Relations Board was arbitrary and capricious because it would limit the terms and conditions that federal workers could bargain over with their employers.¹² While on the district court, after labor unions challenged a number of 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.¹³
- 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.¹⁴ 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.¹⁵
- Judge Jackson has a record of standing against efforts to restrict access to essential sexual and reproductive health information. In 2018, as a judge on the U.S. District Court for the District of Columbia, Judge Jackson ruled that the administration’s attempts to terminate dozens of grants under the Teen Pregnancy Prevention Program were unlawful.¹⁶
- Judge Jackson’s environmental and administrative decisions show her expertise and ability to understand and clearly explain complex regulatory and statutory issues and appropriately apply the facts to the law. 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 U.S. Coast Guard acted lawfully when it detained and investigated ships that had violated

⁹ *Make the Road New York v. McAleenan*, 405 F.Supp.3d 1 (D.D.C. 2019).

¹⁰ *Kiakombua v. Wolf*, 2020 WL 6392824 (D.D.C. 2020).

¹¹ [The SCOTUS Shortlist and Immigration: What Their Previous Rulings Reveal](#), NATIONAL IMMIGRATION LAW CENTER (Feb. 2022).

¹² *Am. Fed’n of Gov’t Emps., AFL-CIO v. Fed. Lab. Rels. Auth.*, 25 F.4th 1 (D.C. Cir. 2022).

¹³ *AFGE v. Trump*, 318 F.Supp.3d 370 (D.D.C. 2018).

¹⁴ *Pierce v. District of Columbia*, 128 F.Supp.3d 250 (D.D.C. 2015).

¹⁵ *Equal Rights Center v. Uber Technologies, Inc.*, 2021 WL 981011 (D.D.C. 2021).

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).

environmental laws on oil spills.¹⁸ In 2018, Judge Jackson allowed a lawsuit by the U.S. territory of Guam to proceed where it was seeking to hold the U.S. government liable for cleanup costs for decades of environmental contamination brought on by the actions of the U.S. Navy.¹⁹

- Judge Jackson has carefully approached questions dealing with the separation of powers and executive authority to defend the Constitution and its principles. While on the district court, Judge Jackson ordered a former White House counsel to appear before the House Judiciary Committee after the committee issued them a subpoena related to the committee’s investigation of Russia’s interference in the 2016 election and potential obstruction of justice by the president.²⁰ 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.”²¹

The nomination of Judge Jackson marks a significant historic and long overdue milestone for our country. If confirmed, Judge Jackson would be the first Black woman to ever serve on the Supreme Court. In the Court’s entire history, there have only been three justices of color, two Black justices, and five justices who were women. The historic exclusion of Black women from the entire federal judiciary is a well-documented problem,²² and less than 6 percent of all active federal judgeships in the United States are held by Black women.²³ Until last year when Judge Jackson herself was confirmed to the D.C. Circuit, no Black woman had been confirmed to the federal appellate bench in nearly a decade.²⁴ A federal bench that represents and reflects the vast diversity of our nation is vital to robust and informed decision-making.²⁵ Indeed, a bench that is diverse and includes perspectives of communities who were traditionally excluded from seats of power improves formal and informal decision-making,²⁶ which is crucial when the decisions issued by the Court impact our rights and protections that intersect with all areas of our lives. Greater

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

¹⁹ *Gov’t of Guam v. United States*, 950 F.3d 104 (D.C. Cir. 2020) (When this case was appealed to the Supreme Court, her ruling was upheld in a rare unanimous decision. See *Territory of Guam v. United States*, 141 S. Ct. 1608, 209 L. Ed. 2d 691 (2021)).

²⁰ *Committee on Judiciary, U.S. House of Representatives v. McGahn*, 415 F.Supp.3d 148 (D.D.C. 2019) (After a D.C. Circuit panel initially ruled that the House lacked standing to sue the White House counsel the full court reheard the case, reversing the panel ruling. The case ultimately settled, with the White House counsel providing his [testimony](#) to the House Judiciary Committee on June 4, 2021).

²¹ *Id.* at 213.

²² Sen. Maya, *Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time*, Wis. L. Rev. 367 (2017).

²³ See [Biographical Directory of Article III Federal Judges, 1789-present](#), Federal Judicial Center (Accessed March 2022).

²⁴ *Id.*

²⁵ Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).

²⁶ Ifill, Sherrilyn A, *Racial Diversity on the Bench: Beyond Role Models and Public Confidence*, 57 WASH. & LEE L. REV. 405 (2000).

diversity in our judiciary also helps foster greater public trust in the institution and its decisions.²⁷ It is past time that we have a Black woman serve on our nation’s highest court.

Judge Jackson’s lauded legal reputation and record as a fair and impartial jurist speaks for itself and has garnered respect and recognition across partisan and ideological lines. She has been confirmed with bipartisan support by the Senate three times, first to the U.S. Sentencing Commission in 2010 without opposition by voice vote,²⁸ then to the U.S. District Court for the District of Columbia in 2013 without opposition by voice vote,²⁹ and finally to the U.S. Court of Appeals for the D.C. Circuit in 2021 with bipartisan support.³⁰ In addition to the support she has from the civil and human rights community, her nomination to the Supreme Court has been met with broad support from colleagues in the judiciary, law enforcement community, academia, and the legal profession. For example, Judge J. Michael Luttig, who served on the Fourth Circuit, described Judge Jackson as “eminently qualified” and “as highly credentialed and experienced in the law as any nominee in history.”³¹ Judge Thomas Griffith, who served on the D.C. Circuit, also praised Judge Jackson’s even-handed application of justice, saying that although they “occasionally differed on the best outcome of a given case,” he “always respected her careful approach, extraordinary judicial understanding, and collegial manner, three indispensable traits for success as a Justice on the Supreme Court.”³² Judge Jackson’s impressive and distinguished legal career, her collegiality and professionalism to all she encounters in her courtroom, and her record as a fair-minded judge make her an exceptional choice to serve on our nation’s highest court.

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.”³³ 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 Supreme Court. We strongly urge all senators to meet this incredible moment in history and to support the confirmation of Judge Jackson to the Supreme Court.

Sincerely,

The Leadership Conference on Civil and Human Rights
A Better Balance

²⁷ Sen, *supra* note 23

²⁸ PN802: *Ketanji Brown Jackson (United States Sentencing Commission)*, 111th Congress (Feb. 11, 2010).

²⁹ PN18: *Ketanji Brown Jackson (United States District Court for the District of Columbia)*, 113th Congress (March 23, 2013).

³⁰ PN391: *Ketanji Brown Jackson (United States Circuit Court for the District of Columbia Circuit)* 117th Congress (June 14, 2021).

³¹ [Statement of Judge J. Michael Luttig](#), U.S. Senate Committee on the Judiciary (Feb. 26, 2022).

³² [Letter to Chairman Durbin and Ranking Member Grassley from Judge Thomas Griffith](#), U.S. Senate Committee on the Judiciary (Feb. 26, 2022).

³³ Jackson, Ketanji Brown, *Remarks for the Empowering Women of Color Sixth Annual Constance Baker Motley Gala*, Columbia Law School (March 12, 2021).

A. Philip Randolph Institute
A Way Home America
Advancement Project National Office
Advocates for Youth
AFL-CIO
African American Ministers In Action
Alliance for Justice
Alliance for Youth Action
American Association for Access, Equity and Diversity
American Association of People with Disabilities
American Association of University Women
American Federation of State, County & Municipal Employees (AFSCME)
American Federation of Teachers
American Muslim Health Professionals (AMHP)
American-Arab Anti-Discrimination Committee (ADC)
Americans for Democratic Action (ADA)
Americans for Financial Reform
Americans for Tax Fairness
Andrew Goodman Foundation
Asian & Pacific Islander American Health Forum (APIAHF)
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - AAJC
Asian and Pacific Islander American Vote (APIAVote)
Asian Pacific American Labor Alliance, AFL-CIO
Association of Asian Pacific Community Health Organizations (AAPCHO)
Association of People Supporting Employment First (APSE)
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Bend the Arc: Jewish Action
Black Women's Health Imperative
Black Women's Roundtable
Brady
Care in Action
Catholics for Choice
Center for American Progress
Center for Common Ground
Center for Constitutional Rights
Center for Disability Rights
Center for Medicare Advocacy
Center for Popular Democracy Action
Center for Responsible Lending
Chispa LCV
Clean Water Action

Clearinghouse on Women's Issues
Coalition of Immokalee Workers
Coalition on Human Needs
Coalition to Stop Gun Violence
College & Community Fellowship
Committee for a Fair Judiciary (CFJ)
Common Cause
Communications Workers of America (CWA)
Community Catalyst
Community Change Action
Constitutional Accountability Center
Daily Kos
Demand Justice
DemCast USA
Democracy 21
Democracy Initiative
Demos
Disability Rights Education & Defense Fund
Earthjustice
Economic Policy Institute
End Citizens United / Let America Vote Action Fund
Endangered Species Coalition
Environmental Working Group
Equal Justice Society
Equal Rights Advocates
Equality Federation
Esperanza United (formerly: Casa de Esperanza: National Latin@ Network)
Fair and Just Prosecution
Faith in Public Life
Families USA
Family Equality
Feminist Majority Foundation
FORGE, Inc.
Franciscan Action Network
Freedom from Religion Foundation
Fund for Leadership, Equity, Access and Diversity
GLMA: Health Professionals Advancing LGBTQ Equality
Greenpeace USA
Health Care Voices
Herd on the Hill
Hip Hop Caucus
Hispanic Federation
Human Rights Campaign

Immigration Hub
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Indivisible
Japanese American Citizens League
Jewish Women International
Jobs With Justice
Justice for Migrant Women
Justice in Aging
Labor Council for Latin American Advancement
LatinoJustice PRLDEF
Lawyers for Good Government (L4GG)
Lawyers' Committee for Civil Rights Under Law
League of Conservation Voters
League of United Latin American Citizens (LULAC)
Liberate Abortion
MALDEF (Mexican American Legal Defense and Educational Fund)
March For Our Lives
Matthew Shepard Foundation
MomsRising
Muslim Advocates
NAACP
NARAL Pro-Choice America
National Action Network
National Alliance for Partnerships in Equity
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Bar Association
National Birth Equity Collaborative
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Coalition on Black Civic Participation
National Community Reinvestment Coalition
National Congress of American Indians
National Consumers League
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Council of Negro Women
National Council on Independent Living
National Crittenton
National Domestic Workers Alliance

National Education Association
National Employment Law Project
National Employment Lawyers Association
National Health Care for the Homeless Council
National Health Law Program
National Homelessness Law Center
National Immigration Law Center
National Latina Institute for Reproductive Justice
National Legal Aid & Defender Association
National Network for Arab American Communities
National Organization for Women
National Partnership for Women & Families
National Resource Center on Domestic Violence
National Urban League
National Women's Law Center
Native American Rights Fund
Natural Resources Defense Council (NRDC)
NETWORK Lobby for Catholic Social Justice
Newtown Action Alliance
OCA - Asian Pacific American Advocates
Oil Change International
People For the American Way
People's Parity Project
PFLAG National
Planned Parenthood Federation of America
PolicyLink
Poligon Education Fund
Population Connection Action Fund
Positive Women's Network-USA
Poverty & Race Research Action Council
Protect Our Care
re:power
Religious Coalition for Reproductive Choice
Reproaction
Robert F. Kennedy Human Rights
ROC United
Safer Foundation
Samuel DeWitt Proctor Conference, Inc.
Service Employees International Union (SEIU)
She Will Rise
Sierra Club
Sikh American Legal Defense and Education Fund (SALDEF)
Sisters Lead Sisters Vote

Sisters of Mercy of the Americas Institute Leadership Team
Sojourners
Soulforce
Southeast Asia Resource Action Center
SPLC Action Fund
Stand Up America
State Innovation Exchange
StoptheDrugWar.org
Supermajority
Take Back the Court Action Fund
The Climate Reality Project
The Lawyering Project
The Taifa Group
The Trevor Project
The Workers Circle
Ujima: The National Center on Violence Against Women in the Black Community
UnidosUS
Union of Concerned Scientists
Unitarian Universalist Association
United Food and Commercial Workers International Union
United for Respect
United State of Women
United Women in Faith
URGE: Unite for Reproductive & Gender Equity
Violence Policy Center
Voter Participation Center
Voto Latino
We Testify
Women Lawyers On Guard Action Network, Inc.
Women's March
Workplace Fairness
YWCA USA