



March 31, 2022

Senator Dick Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Senator Chuck Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write in support of the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

LDF is the country’s first and foremost civil rights law firm. Founded over eighty years ago by Thurgood Marshall in 1940, LDF has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF has been a pioneering force in our nation’s quest for greater equality and will continue to advocate on behalf of African Americans, both in and outside of the courts, until equal justice for all Americans is attained.

For decades, LDF has examined and reviewed the record of countless judicial nominees. Our examination of the record of judicial nominees focuses on an assessment of the capacity of a judicial nominee to undertake their work with fairness and impartiality, and with respect for the rights of those who are often most marginalized in our society. To this end, LDF is committed both to ensuring that the federal judiciary reflects the diversity of this nation and to protecting the central role the courts play in the enforcement of civil rights laws and the Constitution’s guarantee of equal protection

LDF supported the nomination of Judge Jackson to both the district and circuit courts. Given the import of a nomination to the Supreme Court, LDF conducted an additional, detailed review of Judge Jackson’s judicial record, including her approximately 500 written opinions and orders, as well as her non-judicial writings, speeches, and papers, in order to



determine her qualification to serve on the Supreme Court.¹ This process entailed analyzing Judge Jackson’s written opinions from her time on the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit that bear on issues of employment discrimination and economic justice, criminal justice, and access to the courts, as well as her votes in relevant cases in which other judges authored the decision;² transcripts of public hearings and meetings from her time as a Commissioner on the United States Sentencing Commission; briefs she wrote or co-wrote as a public defender and while in private practice; law review articles and other writings she authored; and public speeches.

Our review of Judge Jackson’s record confirms that she is eminently qualified to serve as Associate Justice of the Supreme Court and leads us to conclude that she possesses the range of legal experience, demonstrated professional excellence, integrity, and commitment to justice and fundamental fairness required of a justice of the Supreme Court of the United States.

Academic and Professional Qualification

Judge Jackson has extraordinary legal credentials and deep professional experience which reveal a steadfast commitment to public service and to the fair administration of justice. She graduated magna cum laude from Harvard University in 1992 and graduated cum laude from Harvard Law School in 1996. After law school, she completed clerkships for Judge Pattie Saris on the U.S. District Court for Massachusetts, Judge Bruce Selya on the U.S. Court of Appeals for the First Circuit, and Justice Stephen Breyer on the Supreme Court—whose seat she is now nominated to fill.

Following her clerkship with Justice Breyer, Judge Jackson spent approximately six years working in private practice. She worked first as an associate at Goodwin Proctor LLP from 2000 to 2002, where she handled discovery in cases involving federal securities fraud allegations, personal injury claims, breach of contract actions, and alleged violations of the Anti-Kickback statute.³ Judge Jackson then worked as an associate at the Feinberg Group LLP from 2002 to 2003, where she advised corporate clients and assisted in the resolution of mass tort claims. During those years and after, she maintained an active practice drafting

¹ See, *The Civil Rights Record of Ketanji Brown Jackson*, NAACP Legal Defense and Educational Fund, Inc. (Mar. 15, 2022), <https://www.naacpldf.org/wp-content/uploads/LDFLetter-of-Support-for-Ketanji-Brown-Jackson-FINAL.pdf>.

² Judge Jackson’s decisions in these areas total nearly 200 opinions and orders.

³ Judge Ketanji Brown Jackson, *Questionnaire from Judicial Nominee*, Senate Judiciary Committee (last visited Mar. 31, 2021), <https://www.judiciary.senate.gov/imo/media/doc/Jackson%20Public%20SJQ.pdf>.



amicus curiae briefs, often on issues related to criminal justice and in support of incarcerated individuals.

From 2005 to 2007, Judge Jackson worked as an Assistant Federal Public Defender in Washington, D.C. The central mission of a public defender is to provide the constitutional right to counsel for people who would otherwise not be able to secure counsel as mandated by *Gideon v. Wainwright*.⁴ Public defenders play a vital role in protecting due process and American democracy.

In 2009, President Obama nominated Judge Jackson to serve as a Commissioner on the United States Sentencing Commission, an agency created by Congress to reduce sentencing disparities and promote transparency and proportionality in sentencing.⁵ She was confirmed by unanimous consent by the Senate in 2010 and served as Vice Chair and Commissioner until 2014. During that time, the bipartisan, independent commission implemented crucial reforms to federal sentencing guidelines to address their disproportionate impact on Black and brown people, as well as their families and communities.

Judge Jackson was nominated to serve on the U.S. District Court for the District of Columbia by in 2012 by President Obama and was confirmed to that position by voice vote on March 23, 2013. Judge Jackson served on the D.C. District Court for more than eight years before President Biden nominated her to serve on the U.S. Court of Appeals for the D.C. Circuit on March 30, 2021. On June 14, 2021, the United States Senate confirmed Judge Jackson to the Court of Appeals for the D.C. Circuit with a bipartisan 53-44 vote.

The American Bar Association’s (“ABA”) Standing Committee on the Federal Judiciary has consistently rated Judge Jackson as qualified for judicial service. The Standing Committee has conducted evaluations of federal judicial nominees since the Eisenhower administration. It assesses a nominee’s competence, integrity, and temperament in a thorough and comprehensive process that includes interviews with people familiar with the nominee and an analysis of the nominee’s legal writings. The process has elicited bipartisan support from members of the Senate Judiciary Committee and the full Senate.⁶ During the

⁴ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁵ *About*, United States Sentencing Commission (accessed March 2022). <https://www.ussc.gov/about-page>

⁶ Colin Levy, *Graham (Hearts) the ABA*, The Wall Street Journal (Aug. 8, 2012) <https://www.wsj.com/articles/SB10000872396390444199504577575920062155512>; Steve Kiggins, *American Bar Association calls for FBI investigation into Kavanaugh allegations*, USA Today (Sep. 28, 2018) <https://www.cnn.com/2018/09/28/american-bar-association-calls-for-fbi-investigation-into-kavanaugh-allegations.html>.



nomination process for the district court for the District of Columbia, Judge Jackson was rated *Unanimously Qualified* by the ABA.⁷ During the nomination process for the Court of Appeals for the D.C. Circuit, Judge Jackson was rated *Well Qualified* by the ABA, the highest rating given by the ABA.⁸ Based on its extensive investigation of the professional qualifications of Judge Jackson, the ABA again unanimously concluded that Judge Jackson was *Well Qualified* to be Associate Justice of the Supreme Court of the United States.⁹

Civil Rights and Judicial Record

For a more thorough detailing of Judge Jackson’s record on civil rights we encourage you to read LDF’s report, *The Civil Rights Record of Ketanji Brown Jackson*, in its entirety.¹⁰ We briefly discuss Judge Jackson’s judicial record below.

With regard to access of justice issues, during her tenure as a district court judge, Judge Jackson was measured both in her approach to judicial intervention and her interpretation of the scope of her authority to hear plaintiffs’ claims. She often acknowledged the hardships that drove plaintiffs to seek relief in court even when she thought she was required to dismiss their claims.

Judge Jackson’s record also demonstrates a balanced approach to administrative law. Our review of her record shows an inclination to defer to administrative expertise that is tempered by close attention to whether agency decisionmakers have followed proper procedures and adhered to congressional intent.

As demonstrated most clearly by her compassionate release decisions during the COVID-19 pandemic, Judge Jackson recognizes the humanity of incarcerated people. And

⁷ American Bar Association, Standing Committee on the Federal Judiciary, *Ratings of Article III Judicial Nominees*, 113th Congress (last updated Dec. 16, 2014), https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/web-ratingchart-obama-113.pdf.

⁸ American Bar Association, Standing Committee on the Federal Judiciary, *Ratings of Article III Judicial Nominees*, 117th Congress, (last updated April 27, 2021), https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/webratingchart-117.pdf.

⁹ American Bar Associate, Standing Committee on the Judiciary, *Statement of Hon. Ann Claire Williams (Ret.) on behalf of the Standing Committee on the Federal Judiciary American Bar Associate before the United States Senate Committee on the Judiciary concerning the Nomination of the Honorable Ketanji Brown Jackson to be Associate Justice of the Supreme Court of the United States* (Mar. 24, 2022) <https://www.judiciary.senate.gov/imo/media/doc/ABA%20Testimony1.pdf>.

¹⁰ See, *The Civil Rights Record of Ketanji Brown Jackson*, NAACP Legal Defense and Educational Fund, Inc. (Mar. 15, 2022), <https://www.naacpldf.org/wp-content/uploads/LDFLetter-of-Support-for-Ketanji-Brown-Jackson-FINAL.pdf>.



as a former appellate public defender, Judge Jackson has spoken about the critical need for robust public defense systems to ensure just, fair, and reliable outcomes. Judge Jackson’s service on the United States Sentencing Commission indicates a thorough understanding of what criminal statutes and the Federal Sentencing Guidelines require, and permit, judges to do. On the other hand, in our judgment, some of Judge Jackson’s qualified immunity decisions suggest undue deference to law enforcement officers alleged to have violated individuals’ constitutional rights.

On issues related to economic justice, Judge Jackson has demonstrated an appreciation of the powerful role that the judiciary plays in safeguarding workers’ rights. She has repeatedly cautioned against dismissing employment discrimination claims in early stages, stressing the need for discovery and the importance of ensuring that *pro se* litigants have an opportunity to vindicate their rights. However, in some cases, Judge Jackson has ruled against plaintiffs based on restrictive readings of procedural rules.

Judge Jackson has not ruled on many cases involving race-conscious policies; however, she has recognized that the government has a compelling interest in remedying race-based discrimination in accordance with existing Supreme Court precedent.

Our review of Judge Jackson’s record, especially as it pertains to civil rights, indicates an unwavering commitment to fundamental fairness for all. Moreover, on both the district court and the circuit court for the District of Columbia, Judge Jackson has a reputation of integrity, impartiality, and fairness. As the ABA Standing Committee testified during the confirmation hearing, after the conclusion of their exhaustive and comprehensive peer review evaluation and analysis of Judge Jackson’s record it was clear Judge Jackson earned the highest rating of *Unanimously Well Qualified*. In particular, the Standing Committee noted that prosecutors, defense counsel, and litigants alike all uniformly gave the highest praise of Judge Jackson’s intelligence, integrity, professional competence, and judicial temperament. Judges, lawyers, law school professors, deans, and attorneys who have appeared before Judge Jackson as an appellate and district court judge (including those who have lost cases) referenced Judge Jackson as being “beyond reproach,” “first rate,” and “impeccable.”¹¹

¹¹ American Bar Associate, Standing Committee on the Judiciary, *Statement of Hon. Ann Claire Williams (Ret.) on behalf of the Standing Committee on the Federal Judiciary American Bar Associate before the United States Senate Committee on the Judiciary concerning the Nomination of the Honorable Ketanji Brown Jackson to be Associate Justice of the Supreme Court of the United States* (Mar. 24, 2022). <https://www.judiciary.senate.gov/imo/media/doc/ABA%20Testimony1.pdf>.

Diversity on the Court

The historic exclusion of Black women from the federal judiciary is well-documented. The first Black woman was appointed to the federal bench in 1966, when civil rights attorney and LDF alumna Constance Baker Motley, the first Black woman to argue before the Supreme Court, was appointed to the United States District Court for the Southern District of New York. More than 50 years since Constance Baker Motley's nomination to the federal judiciary, Judge Jackson's nomination as the first Black woman to the Supreme Court represents a watershed moment in American history.¹²

When the federal judiciary is reflective of the diversity of the nation, it increases public trust, confidence, and fairness in the justice system.¹³ As Justice Lewis Powell observed, "a member of a previously excluded group can bring insights to the Court that the rest of its members lack."¹⁴ However, since 1789, of the 115 justices that have served on the Supreme Court all but six have been white men.¹⁵

¹² 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) https://www.usc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20110406/Meeting_Minutes.pdf; 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) <https://www.usc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140410/meeting-minutes.pdf>; 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) <https://www.usc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140718/meeting-minutes.pdf>.

¹³ Ruthie Ashley, *Does a diverse bench really matter?*, American Bar Association (Oct. 18, 2018), https://www.abajournal.com/news/article/does_a_diverse_bench_really_matter; Kate Berry, *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), https://www.brennancenter.org/sites/default/files/publications/Building_A_Diverse_Bench_0726.pdf;

¹⁴ Barbara A. Perry, *A "Representative" Supreme Court, The Impact of Race, Religion and Gender on Appointments* University of Minnesota Law School (August 1991) (interviewing Justice Powell).

¹⁵ President Lyndon Johnson appointed Thurgood Marshall, the first Black justice, in 1967, and President Ronald Reagan appointed the first woman, Sandra Day O'Connor, in 1981. Only two Black justices have served on the Court, Thurgood Marshall, and Clarence Thomas. Justice Sonia Sotomayor is the only Latina justice ever to serve. Five women have served on the high court: Justices Sandra Day O'Connor, Ruth Bader Ginsburg, Sonia Sotomayor, Elena Kagan, and Amy Coney Barrett.

Justice Sandra Day O'Connor, the first woman justice, famously commented on the positive benefit Justice Marshall, the first Black Supreme Court Justice, had on the Supreme Court:

Although all of us come to the Court with our own personal histories and experiences, Justice Marshall brought a special perspective. His was the eye of a lawyer who saw the deepest wounds in the social fabric and used law to help heal them. His was the ear of a counselor who understood the vulnerabilities of the accused and established safeguards for their protection. His was the mouth of a man who knew the anguish of the silenced and gave them a voice. At oral arguments and conference meetings, in opinions and dissents, Justice Marshall imparted not only his legal acumen but also his life experiences, constantly pushing and prodding us to respond not only to the persuasiveness of legal argument but also to the power of moral truth.¹⁶

The Supreme Court would also be improved by the addition of judges who, like Judge Jackson, have spent a portion of their legal career serving as public defenders. Although this period did not represent the bulk of Judge Jackson's career as a lawyer, her experience representing the most vulnerable members of our society will be a valuable contribution to judicial decision making.¹⁷ Indeed, the inclusion of people with more diverse professional experience in the federal judiciary improves judicial decision making.¹⁸

Judge Jackson's stellar credentials and legal career, as well as her lived experience, would bring much-needed diversity to the Court. Diversity on our nation's highest court sends a powerful message to the country that our justice system is informed by a variety of backgrounds and perspectives, which is critical to ensuring the legitimacy of the Court in a multicultural nation. As research demonstrates and as Justices themselves have noted, a diverse Supreme Court is a better Supreme Court.

¹⁶ Sandra Day O'Connor, *Thurgood Marshall: The Influence of a Raconteur*, 44 *Stan. L. Rev.* 1217-20 (1992).

¹⁷ Maya Sen, *Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time*, 2017 *Wis. L. Rev.* 367 (2017); Maggie Jo Buchanan, *The Startling Lack of Professional Diversity Among Federal Judges*, *Center for American Progress* (June 17, 2020), <https://www.americanprogress.org/article/startling-lack-professional-diversity-among-federal-judges/>;

¹⁸ Sherrilyn Ifill, *Racial Diversity on the Bench: Beyond Role Models and Public Confidence*, 57 *Wash. & Lee L. Rev.* 405 (2000).

Hearings and Judicial Temperament

During the confirmation hearing before this Committee, which were simulcast across the globe, Judge Jackson was subjected to unwarranted and highly misleading attacks unworthy and unbecoming of this governing body. Some members of the Committee openly mischaracterized Judge Jackson's esteemed judicial record, and engaged in bad faith, combative, and insulting questioning to cast ill-founded aspersions on Judge Jackson's values and character. Throughout the more than 20 hours of questioning, Judge Jackson demonstrated extraordinary poise and professional temperament. She thoughtfully and thoroughly answered questions. From discussions of specific decisions rendered to broad theoretical discussions regarding complex legal concepts, Judge Jackson displayed her masterful command of the law and her steadfast commitment to accessibility and transparency. Judge Jackson's interactions with Senators from both parties demonstrated in real time her commitment to neutrality, impartiality, and transparency. Despite countless interruptions, political grandstanding, and purposefully, and unnecessarily explicit and vulgar questioning, Judge Jackson remained committed to the important task before her: demonstrating that her judicial and professional record unequivocally qualifies her for confirmation to the Supreme Court. Moreover, she demonstrated incredible grace, poise and composure when faced with questioning that smeared her character, values, and integrity. No nominee should be subjected to the baseless attacks that some members repeatedly hurled at Judge Jackson. However, we have seen similar tactics before.

In 1967, Senators engaged in the same type of smear campaign against one of the most brilliant and impactful attorneys in our nation's history: Thurgood Marshall. Despite his exceptional and ground-breaking career as a civil rights lawyer, federal appellate court judge, and U.S. Solicitor General, then-Judge Marshall faced bad faith opposition from some senators who sought to incite fear about rising crime, protests, and Supreme Court decisions expanding the rights of criminal defendants to derail his nomination. Much like Judge Jackson, then-judge Marshall had already been confirmed to the federal judiciary by the Senate, yet Senators used his Supreme Court confirmation hearing to brand his elevation to the Supreme Court as a danger to white people. Senators Eastland and Thurmond were two of the leading opponents to suggest that then-Judge Marshall was a bigot and not intellectually qualified to serve on the Supreme Court. They also attempted to brand him a Communist sympathizer.¹⁹

This behavior was unfitting of the Senate in 1967 and is unfitting of the Senate today. It makes a mockery of the constitutional duty to advise and consent on judicial nominees and is unacceptable as a threshold matter of decency. That Judge Jackson was subjected to similarly vile, baseless, and inappropriate attacks on her character some 55 years after the

¹⁹ Sherrilyn Ifill, *Who's Afraid of Ketanji Brown Jackson?*, New York Times (Mar. 2, 2022), <https://www.nytimes.com/2022/03/02/opinion/whos-afraid-of-ketanji-brown-jackson.html>.

first Black Supreme Court Justice suffered the same treatment debases this critical democratic process.

Attacks on Judge Jackson's sentencing record were particularly concerning. Throughout the hearing, some members of the Committee insinuated that Judge Jackson's sentencing record, which is very similar to that of other federal judges,²⁰ enabled child sexual abuse by not giving defendants the maximum sentences in child pornography cases. Attacks on Judge Jackson's sentencing record have been discredited by fact checkers from major news outlets including the Associated Press, New York Times, National Review, Washington Post and more.²¹ The majority of Judge Jackson's sentences for child pornography offenders were at or above the level recommended by the U.S. Probation Office and were in line with many other federal judges.²² Indeed, Judge Jackson's sentencing record is similar to the sentencing

²⁰ Devin Dwyer, *Fact check: Judge Ketanji Brown Jackson child porn sentences 'pretty mainstream'*, ABC News (Mar. 21, 2022), <https://abcnews.go.com/Politics/fact-check-judge-ketanji-brown-jackson-child-porn/story?id=83565833>.

²¹ Linda Qiu, *Critics of Jackson's Child Sex Abuse Sentences Backed Judges With Similar Records*, New York Times (Mar. 24, 2022), <https://www.nytimes.com/2022/03/24/us/politics/ketanji-brown-jackson-child-abuse-cases.html>; Andrew McCarthy, *Ho-Hum: The Cases Senator Hawley Cites Show Judge Jackson Is an Unremarkable Sentencer in Child-Porn Cases*, National Review (Mar. 21, 2022), <https://www.nationalreview.com/corner/ho-hum-the-cases-senator-hawley-cites-show-judge-jackson-is-an-unremarkable-sentencer-in-child-porn-cases/>; Glen Kessler, *Josh Hawley's misleading attack on Judge Jackson's sentencing of child-porn offenders*, Washington Post (Mar. 19, 2022), <https://www.washingtonpost.com/politics/2022/03/19/sen-hawleys-misleading-attack-judge-jacksons-sentencing-child-porn-offenders/>; Linda Qiu, *Attacks on Judge Jackson's Record on Child Sexual Abuse Cases Are Misleading*, New York Times (Mar. 21, 2022), <https://www.nytimes.com/2022/03/21/us/politics/judge-jackson-child-sexual-abuse-fact-check.html>; Will Weissert and Calvin Woodward, *AP FACT CHECK: Republicans twist Jackson's judicial record*, Associated Press (Mar. 19, 2022), <https://apnews.com/article/ketanji-brown-jackson-us-supreme-court-ap-fact-check-child-pornography-josh-hawley-68d5a59edf46ea3f28e35cf32f84fe19>; Tierney Sneed, *GOP senators push misleading portrayal of Ketanji Brown Jackson's record on child porn cases*, CNN (Mar. 22, 2022), <https://www.cnn.com/2022/03/18/politics/republican-attacks-scotus-nominee-sentencing-record/index.html>; Andrew McCarthy, *Republicans' Missed Opportunity in the Judge Jackson Hearings*, National Review (Mar. 22, 2022), https://www.nationalreview.com/2022/03/republicans-missed-opportunity-in-the-judge-jackson-hearings/?taid=623a8de952440400013bfd1f&utm_campaign=trueanthem&utm_medium=social&utm_source=twitter; Carl Hulse, *On Eve of Confirmation Hearings, G.O.P. Steps Up Attacks on Jackson*, New York Times (Mar. 21, 2022), <https://www.nytimes.com/2022/03/20/us/politics/ketanji-brown-jackson-republicans.html>.

²² Ariane de Vogue and Tierney Sneed, *Retired federal judges defend Ketanji Brown Jackson's record on child porn cases as 'entirely consistent'*, CNN (Mar. 21, 2022), <https://www.cnn.com/2022/03/21/politics/retired-federal-judges-defend-ketanji-brown-jackson-sentencing-record/index.html>.

practices of many other judges confirmed by this Committee.²³ Furthermore, Congress requires federal judges to use their discretion when issuing sentences.²⁴ As a federal district court judge confirmed by this Committee, Judge Jackson had the express authority and discretion to render sentences based on the myriad information before her, including the recommendation from the prosecutor, from the defense, and from the probation office. When judges choose to impart a sentence below the guidelines, “they typically impose sentences around 54 months below the calculated guideline minimum,” as noted by Doug Berman, an expert on sentencing law and policy at the Ohio State University School of Law.²⁵ Indeed, a recent bipartisan report from the U.S. Sentencing Commission finds that less than 30% of all non-production cases are issued at or above the guidelines specifically because there is a consensus guidelines are too severe.²⁶ Moreover, the few sentencing decisions in question are not representative of Judge Jackson’s overall sentencing record as a district court judge. Judge Jackson has sentenced more than 100 defendants in her time as a judge.

While some Committee members perpetuated a false narrative regarding Judge Jackson’s sentencing her record, Judge Jackson repeatedly demonstrated her mastery of the law and was an exemplar of judicial temperament. The attempts to portray Judge Jackson’s sentencing record as that of someone who is “soft on crime” or an enabler of people convicted of child sexual abuse come dangerously close to conspiracy.²⁷ Indeed, they have been described by the National Review as “meritless to the point of demagoguery.”²⁸

²³ Glen Kessler, *These Trump judges failed Hawley’s sentencing test for Jackson*, Washington Post (Mar. 24, 2022), <https://www.washingtonpost.com/politics/2022/03/24/these-trump-judges-failed-hawleys-sentencing-test-jackson/>.

²⁴ William W. Schwarzer, *Judicial Discretion in Sentencing*, 3 Federal Sentencing Reporter 339 (1991). Available at: https://repository.uchastings.edu/faculty_scholarship/1184.

²⁵ Doug Berman, *Contextualizing Judge Jackson’s mainstream sentencing record in federal child porn cases*, Sentencing Law and Policy (Mar. 17, 2022), https://sentencing.typepad.com/sentencing_law_and_policy/2022/03/contextualizing-judge-jacksons-mainstream-sentencing-record-in-federal-child-porn-cases.html.

²⁶ See U.S. Sentencing Commission, *Federal Sentencing of Child Pornography Non-Production Offenses* (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210629_Non-Production-CP.pdf.

²⁷ Jamelle Bouie, *Republican Senators Play the QAnon Game*, New York Times (Mar. 26, 2022), <https://www.nytimes.com/2022/03/26/opinion/republican-senators-qanon-ketanji-brown-jackson.html>; Barbra Sprunt and Huo Jingnan, *Hawley’s attacks on Ketanji Brown Jackson fuel a surge in online conspiracy chatter*, National Public Radio (Mar. 24, 2022), <https://www.npr.org/2022/03/24/1088217548/hawleys-attacks-on-ketanji-brown-jackson-fuel-a-surge-in-online-conspiracy-chatt>; Emily Bazelon, *What Message Did Republicans Send to Judges in Their Attack on Ketanji Brown Jackson?*, New York Times (Mar. 30, 2022), <https://www.nytimes.com/2022/03/30/opinion/jackson-supreme-court-pornography.html>.

²⁸ Andrew McCarthy, *Senator Hawley’s Disingenuous Attack against Judge Jackson’s Record on Child Pornography*, National Review (Mar. 20, 2022),

Conclusion

Judge Jackson is eminently qualified, credentialed, and well-equipped to serve on the Supreme Court. The breadth and depth of her professional and judicial experience make her well suited to not only succeed as a Justice but to have a positive impact in diversifying the perspectives of the Court. Judge Jackson has the reputation of a trusted and well-respected judge, and a demonstrated commitment to equal justice under the law. We recommend her without reservation and urge her swift confirmation to the Supreme Court.

Sincerely,



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<https://www.nationalreview.com/2022/03/senator-hawleys-disingenuous-attack-against-judge-jacksons-record-on-child-pornography/>.