



What more does Ketanji Brown Jackson have to prove?

Her historic nomination to the Supreme Court serves as a reminder that Black women are held to higher standards.

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On paper, Ketanji Brown Jackson's nomination to the U.S. Supreme Court could be considered a sure thing. She's in some ways a traditional nominee: Harvard-educated, former Supreme Court clerk and has support from across the legal community, including endorsements from law enforcement groups such as the Fraternal Order of Police, the International Association of Chiefs of Police and 83 former state attorneys general.

But her historic nomination reminds many Black women of something they've navigated in their own careers: doubt.

Lauren Grimes, a program analyst at the State Department, told Grid that she experienced the first microaggressions of her adult life while working in the federal government.

"Starting out, people would always ask me, 'How did you get this job?'" Grimes said. "I used to walk around on pins and needles wondering what folks thought of me, what their opinions were, because I just wasn't the person they generally saw in the room."

For many Black women, Jackson's nomination is a reminder that they are often held to higher standards than other candidates.

"How did you get this job?"

Jackson's hearing could mimic that of Justice Sonia Sotomayor's: Despite their extensive list of accomplishments, they were challenged on their fitness for the position.

When she was nominated, Sotomayor had spent 11 years as a judge on the U.S. Court of Appeals and six years on the U.S. District Court. She currently has more experience as a judge than anyone else on the high court.

Nevertheless, critics questioned her competence. Then-Cato Institute Constitutional Studies Fellow Ilya Shapiro argued that Sotomayor was chosen because of “identity politics” and that she was “far less qualified” than the likes of Merrick Garland and Elena Kagan, who was then serving as President Barack Obama’s solicitor general.

In early February, Republican Sen. Ted Cruz of Texas openly questioned President Joe Biden’s campaign promise to restrict his search to Black women. “Black women are, what, 6 percent of the U.S. population?” he said on his podcast. “He’s saying to 94 percent of Americans, ‘I don’t give a damn about you.’”

Jeremy Paris, a lawyer with the Raben Group who spent about 10 years working with the Senate Judiciary Committee, recalls that Sotomayor faced a particularly tense questioning from the panel. (Paris was then working as Democratic Vermont Sen. Patrick Leahy’s chief counsel for nominations and oversight.)

“Justice Sotomayor had the most judicial experience of any nominee in many years,” he told Grid. Instead, some senators drilled her about judicial philosophy, which researchers later found occupied nearly 20 percent of her questioning.

At one point, Republican South Carolina Sen. Lindsey Graham said the quiet part out loud. “My belief is that you will do well because whether or not I agree with you on the big themes of life is not important,” he told Sotomayor. “The question for me is, ‘Have you earned the right to be here?’”

Similarly, when Republican Sen. Strom Thurmond wanted to make Thurgood Marshall look unfit for the bench during his 1969 confirmation hearing, the researchers noted, he drilled the judge on his views of the 14th Amendment.

Many Black women in politics are familiar with this level of scrutiny.

Kemi Giwa, a 24-year-old deputy communications director in the House Committee on Financial Services, told Grid that she was often confused for a junior-level employee in a past job, even though she was running the whole department.

“For whatever reason, people kept referring to me as a press assistant,” she told Grid. “It was funny because we had a press assistant, and he was a white guy. I was his boss.”

After Biden announced Jackson as his pick, Black-led organizations anticipated this dynamic and rallied around her in support. The Black Women’s Leadership Collective, a group composed of organizations like the Alpha Kappa Alpha Sorority, Inc., and political operatives like Donna Brazile, launched a million-dollar campaign touting Jackson’s credentials in the press.

“Vicious, racist, sexist tropes have long been levied against Black women” to undermine them, “based on trying to play to people’s worst instincts and fears,” Karen Finney, a member of the collective, told the 19th.

“All about theater”

Still, signs point to Jackson making it through her hearing largely unscathed. A Republican Party messaging guide urging its members to avoid attacking her was leaked to the press this week. Democrats had “lost the battle of public opinion” when they “launched vicious, personal attacks against [Kavanaugh]” and “paid for it electorally,” the guide, issued by Judiciary Committee member Republican Sen. Marsha Blackburn (Tenn.), said.

But the guide didn’t suggest that senators play it *too* safe. “It is almost certain that the Democrats and their allies in the media will lob false accusations of racism and sexism when uncomfortable questions are asked,” the guide states. “The Senate must not be threatened into silence.”

The point then isn’t to derail her confirmation. “The Supreme Court confirmation hearings, even more than regular nomination hearings, are all about theater,” Chris Kang, co-founder and chief counsel of Demand Justice and a former Obama staffer, told Grid.

Republicans have already signaled that they’ll focus on Jackson’s record as a public defender, in an effort to paint her as “soft on crime.” And Fox News’ Tucker Carlson openly questioned her intelligence earlier this month on his show: “[It] might be time for Joe Biden to let us know what Ketanji Brown Jackson’s LSAT score was.”

The New York Times reported that the Republican Party would focus its questions on her record as a public defender — particularly her work representing detainees at Guantánamo Bay.

“Jackson’s advocacy for these terrorists was ‘zealous,’ going beyond just giving them a competent defense,” the Republican National Committee wrote in a background paper released after Jackson’s nomination was announced.

Every Supreme Court confirmation hearing is tinged with its own flavor of melodrama. Jackson’s hearing doesn’t seem primed to create some great partisan battle like hearings past because her confirmation won’t change the ideological balance of the court, but the highly publicized nature of the process makes a spectacle somewhat inevitable. Some can shift the cultural zeitgeist. Others can turn public servants into celebrities.

“Republicans will want to do two things,” said Gregg Nunziata, a policy expert who spent three years as chief Republican nominations counsel on the Senate Judiciary Committee and expects the hearings to go smoothly. “Draw a contrast between [the parties’] relative views about the role of the court and the Constitution and use the opportunity to talk about politically salient issues that are relevant to the law.”

“For a nomination hearing to be much more combative, there’s a successful balance of power that will change in an appreciable way,” Nunziata said. “And that’s not the case here.”