

Graham walks out of Jackson's hearing after rant over indefinite detention at Gitmo

by Kaelan Deese

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With Coca-Cola in hand, South Carolina Sen. Lindsey Graham had enough of the Senate Judiciary Committee hearings for President Joe Biden's Supreme Court nominee on Tuesday.

The Republican committee member walked out of high court nominee Judge Ketanji Brown Jackson's hearing Tuesday morning after asking her about her past work on behalf of several detainees at the military prison at Guantánamo Bay, Cuba, and people who challenged former President George Bush's terrorism detainee policies.²

"Do you support, then, the idea that indefinite detention of an enemy combatant is unlawful?" Graham asked.

As a former federal public defender earlier in her career, Jackson's representation of Guantánamo detainees led to her filing habeas corpus lawsuits after a 2004 Supreme Court ruling held detainees had a right to challenge the basis for their indefinite wartime detentions without trial.

Jackson contends that "it was not my argument," saying, "I was filing an amicus brief on behalf of clients including the Rutherford Institute, the Cato Institute, and the Constitution Project."

"You sign on to this brief making this argument, but you say it's not your position?" Graham replied, to which Jackson maintained lawyers do not represent the views of their clients.

"If the court had taken the position argued in the brief that you signed upon, would have to release these people or try them and some of them, the evidence we can't disclose because it's classified," Graham argued. "You're putting America in an untenable position."

Graham has long advocated the continued use of wartime detention without trial as a method first introduced under the Bush administration. The United States has not utilized this method for newly captured detainees since the Bush era, but presidents since his time have kept it to allow the prison to hold its slimming number of legacy detainees.

In December, the committee held hearings on whether the Cuban prison should remain open, and Graham has been steadfast in opposition against closing it.

Graham's interrogation of Jackson comes as he has repeatedly rejected Biden's decision to nominate Jackson over federal Judge J. Michelle Childs, a black judge from his state whom he argued would receive bipartisan support. The South Carolina senator has not made a decision on whether to confirm Jackson but is seen as a likely "no" vote.