



## Ketanji Brown Jackson to face Senate Judiciary: Here's what to expect

by Kaelan Deese

March 21, 2022 06:15 AM

President Joe Biden's Supreme Court nominee, Judge Ketanji Brown Jackson, will head into hearings before the Senate Judiciary Committee on Monday, where members on the panel will ultimately decide whether to send her nomination off to a full vote in the Senate.

Jackson, 51, has spent more than two weeks engaging in private meetings with nearly half of the Senate in preparation for two full days of questions by members on the committee. Senators and the nominee will deliver opening statements Monday, while members of the committee will each have 30 minutes to question Jackson on Tuesday and an additional 20 minutes Wednesday.

Tapped to succeed retiring Justice Stephen Breyer, Jackson would make history as the first black woman to sit on the Supreme Court, as well as as the first justice to have prior experience as a public defender. Jackson's judicial background includes eight years on the U.S. District Court for the District of Columbia, and she was confirmed to sit on the U.S. Court of Appeals for the D.C. Circuit last year.

"For too long, our government [and] our courts haven't looked like America, and I believe it is time that we have a court that reflects the full talents and greatness of our nation with a nominee of extraordinary qualifications," Biden said of Jackson last month.

Doug Jones, the former Democratic senator from Alabama, who has been coordinating Jackson's meetings with lawmakers, tweeted Thursday that Biden's nominee had met with 44 senators, including all 22 members of the Judiciary Committee, since she was nominated late last month.

On Friday, Cato Institute Senior Vice President for Legal Studies Clark Neily sent a letter to Judiciary Committee Chairman Dick Durbin commending Jackson's past experience as a public defender and bringing attention to the "overrepresentation" of former prosecutors and courtroom advocates already on the highest court.

"We have not had a Supreme Court justice with significant criminal defense experience in more than 30 years. That is highly unfortunate and should be remedied immediately. Of course, Judge Jackson supplies that corrective admirably," Neily said in an emailed statement.

Since her nomination, Jackson has received endorsements from several influential groups in the legal community, including 91 former state attorneys general who sent the committee a letter endorsing her nomination. A majority of the signatures were from Democrats, though some Republicans were included in the list.

A group of 14 self-described conservatives with prior experience as prosecutors or in elected roles also endorsed Jackson in a separate letter. In addition, she's received backing from the International Association of Chiefs of Police, the Fraternal Order of Police, and dozens of police chiefs and sheriffs.

Nonetheless, Republican lawmakers on the committee and in the Senate have held restraint from making any commitment to confirm Jackson, with GOP members expressing a need to further analyze her "judicial philosophy," a line emphasized by Senate Minority Leader Mitch McConnell.

While McConnell and Sen. John Cornyn, a Texas Republican and a member of the committee, have pledged "respect" toward Jackson in her hearings, other committee members, including Missouri Sen. Josh Hawley and Tennessee Sen. Marsha Blackburn, have brought up concerns over the judge's past treatment of sexual offenders.

On Wednesday, Hawley tweeted an extensive thread that Jackson's record "endangers children," citing 10 cases in which the sentences she gave to defendants were "always below, and almost always below the government's recommendations — in some cases dramatically below."

White House press secretary Jen Psaki subsequently disputed Hawley's claims Thursday, arguing that "in the vast majority of cases involving child sex crimes, the sentences Judge Jackson imposed were consistent with or above what the government or U.S. probation recommended."

But an aide for Blackburn told the *Washington Examiner* on Thursday that the Tennessee lawmaker wanted to "engage with [Jackson] on her record with child sex offenders" during committee hearings next week. Multiple conservative groups, including the Republican National Committee, have pointed to this issue since Hawley's reaction Wednesday.

Blackburn's aide also noted "radical left-wing groups that have been advocating for her confirmation" and funding campaigns for Jackson, such as the \$1 million ad campaign by the liberal group Demand Justice, which has described the high court as "broken and in need of reform."

"Some of these groups have been funding an absolutely massive PR campaign to get her confirmed. And I think it's fair to ask whether Judge Jackson supports some of the radical views that these groups hold and that American people have a right to know if Judge Jackson is going to capitulate some of these groups into the radical Left," the Blackburn aide said.

Other conservative judicial advocates such as Carrie Severino, president of the Judicial Crisis Network, have taken aim at a selection of Jackson's rulings that were later reversed by appeals courts.

"I think another good example that also involved being reversed by liberal appointees is *AFL-CIO v. Trump*," Severino said, referring to a case that had to do with the public union and bargaining executive order by former President Donald Trump. The D.C. circuit court later ruled that Jackson invalidated a 2020 rule by the Federal Labor Relations Authority that had restricted the bargaining power of federal-sector labor unions.

In order to proceed to a full Senate vote, Jackson must be approved by a simple majority in the committee. If no Republicans vote for Jackson in the full 100-member Senate, Vice President Kamala Harris would break a 50-50 tie if Democrats are aligned to confirm the judge.