

How Ketanji Brown Jackson found a path between confrontation and compromise

Biden's Supreme Court nominee was a 'child of the '70s' who overcame obstacles by finding middle ground.

By Marc Fisher, Ann E. Marimow, Lori Rozsa

February 25, 2022

Ketanji Brown Jackson, President Biden's choice to become the first Black woman to serve on the Supreme Court, was a "child of the '70s," as she puts it. Raised with an African name, dressed in early childhood in a mini-dashiki, she was expected to reap the fruit of the boycotts and sit-ins of the 1960s, taking advantage of the opportunities and equality her parents' generation had demanded.

But if on paper Jackson's career looks like a bullet train from the Miami suburbs to the nation's highest court, her path was neither smooth nor straight. The generational pivot her parents and other civil rights activists sought turned out to be not so simple.

When Jackson was born in 1970, "there was probably a sense of invincibility in that moment," she [said in a speech last year](#). Johnny and Ellery Brown gave their firstborn a name — Ketanji Onyika — that meant "Lovely One" chosen from a list sent to them by Jackson's aunt, then a Peace Corps volunteer in West Africa. Early photos show Jackson "rocking Afro-puffs," she said.

"My parents set out to teach me that, unlike the many impenetrable barriers that they had had to face, my path was clear," recalled Jackson, now 51 and a federal appellate court judge in Washington. "If I worked hard and believed in myself, I could do anything or be anything I wanted to be."

Jackson found her way with a different approach than the confrontational activism of her parents' generation — by deploying her smarts, good cheer and a root assumption that, whatever the obstacles, she belonged.

In college, at law school, and in a succession of jobs that led her to the pinnacle of the American legal profession, Jackson was unusually clear about the line she drew between standing up for herself and ignoring the noise around her, said Nina Coleman Simmons, a lawyer in New York

who was one of three Black women who roomed with Jackson through most of their time at Harvard.

“She was always the person trying to find the middle ground,” Simmons said. As other Black students at Harvard took to the streets to confront college officials about issues of race and equality, Jackson counseled moderation. “ ‘They’re not going to listen to us if we’re screaming at them,’ she’d say,” Simmons recalled. “She was always asking, ‘What are the facts we can use to persuade?’ ”

In 1988, in her first year at Harvard, Jackson had to choose a path. The college’s freshmen lived together in dorms surrounding Harvard Yard, and one of Jackson’s classmates hung a Confederate flag from his dorm room window.

As a new student who’d signed up with the Black Students Association, Jackson joined in reactions to this “huge affront,” she said in a 2020 speech at the University of Chicago. “We organized rallies; we passed out fliers; we circulated petitions; we planned sit-ins.”

But Jackson wasn’t all in on leaping into protest mode. “While we were busy doing all of those very noble things, we were not in the library studying,” she noted. “I remember thinking how unfair it was to us.” Black students saw the flying of the flag as an attack, and they were angry about what they saw as a lax response from university officials, but now, as a result of their protests, “we were also missing classes and could not just be regular students ... like the rest of our peers,” she said.

And that, Jackson decided, was “exactly what the student who had hung the flag really wanted: For us to be so distracted that we failed our classes and thereby reinforced the stereotype that we couldn’t cut it at a place like Harvard.”

In that instance and numerous others, Jackson felt pulled in two directions — stand up for what’s right, or buckle down and work. Time after time, in almost every chapter of her life, according to interviews with more than 15 of her friends and colleagues and a review of more than 2,000 pages of her speeches and writings, Jackson refused to be distracted. She would press for her ideals, but she would pick her battles — and choose tactics designed more to persuade others than to announce her opposition.

“I just want to be clear about how I envision thick skin,” Jackson told a Black student group at the University of Chicago in 2020. “I am not asking you to put on blinders. ... As a professional of color, there will inevitably be times when you will feel singled out, challenged, questioned, undervalued, and misinterpreted, and you will very much want to call out or cancel people who say and do discriminatory things. ... But doing so takes time and effort, and if we are going to get to where we belong ... we can’t keep stopping and fretting over random ridiculousness!”

When she ran for class president in high school (she won three times), when she traveled the high school debate circuit and won a rack of prizes, or when she applied to Harvard despite her high school guidance counselor’s suggestion that she set her sights a bit lower, she felt “slings and arrows” of bias, yet decided not to care about “slights and misperceptions and

underestimations that came my way. What I do remember is often thinking, ‘Hmm, well, I’ll show them.’ ”

“Ketanji was a lawyer before she went to law school, always thinking of every side of an issue,” said Lisa Fairfax, one of Jackson’s roommates in college and law school.

Soon after they met in their freshman year, Fairfax and Simmons both noticed that Jackson always spelled “Ketanji” out when she introduced herself, so others would be comfortable with her unusual name. She was asserting pride in her African roots as she was easing the way for others to get to know her as a warm and friendly person, whatever her name.

“Some people think she’s too middle-of-the-road, or they ask, ‘Is she Black enough?’ ” Simmons said. “But if they knew her or her family, they’d never ask that question. She taught me never to shrink myself, never to be afraid to take up space. I was raised to keep your head down, don’t make noise; you don’t want them to think this or that because you’re a Black person. But Ketanji would say small things: In a restaurant, she’d say, ‘My order is not correct,’ whereas I had this fear and I’d take it as it came.”

When Harvard’s Black Students Association organized a silent march to protest a paucity of Black professors at the school, Jackson joined in, dressed in black, carried signs and marched silently around campus, but she argued against more-aggressive tactics that some students proposed.

“There were always more-radical people who wanted to push her off the middle,” arguing for more-in-your-face confrontation, Simmons said. But Jackson argued against protests that might alienate the very people she wanted to persuade. And she would not let anyone steer her away from her studies, the roommate said.

Jackson understood the power of activism. She’d heard about it from her parents back in Miami. “For Black Americans in particular, 1970 was a time of hope,” she said in 2020. “The hard work of the previous decade — the marches, the boycotts, the sit-ins, the arrests — had finally borne fruit. ... Young Black professionals like my parents were finally on the verge of getting to enjoy the full freedom and equality that is promised to citizens of the United States. Change does happen, and that even the most dire circumstances can be overcome.”

Jackson’s optimism and ability to connect with people very different from herself enabled her to choose a middle path and demonstrate that it still could produce progress, said Fairfax: “Ketanji moves the crowd, and it’s a very diverse crowd.”

A persona taking shape

She was a star from junior high school on. Chosen as “mayor” of Palmetto Junior High, just south of Miami, and elected class president of Palmetto High three times, Jackson was voted “most likely to succeed” and “most talented,” according to her high school yearbook. In one largely White setting after another, she soared to the top.

The keys, according to those who knew her well, were confidence, discipline and a clarion sense of direction seeded and nurtured by her parents.

When Johnny and Ellery Brown grew up in South Florida, the segregation and closed doors in many workplaces seemed forbidding. After attending historically Black colleges, Jackson's parents moved to Washington, where they launched their careers, and then went back to Miami, where Johnny attended law school and wound up as the top attorney for the Dade County School Board. Ellery taught school and rose to become principal of the New World School of the Arts, a magnet public high school.

From her earliest years, "it was important to me to be seen as a person who worked hard and was good to work with," Jackson told Black law students in Chicago in 2020. "As a young Black woman with a funny name, I already stood out, and so I invested heavily in doing what was required to build my brand within each organization I worked in."

In the Browns' modest suburban house, Johnny and Ellery kept on their coffee table a book about racism in America, "Faces At the Bottom of the Well: The Permanence of Racism," by Derrick Bell, the first Black professor to win tenure at Harvard Law School. Jackson would stare at the book's cover, struggling "to reconcile the image of the person, who seemed to be smiling, with the depressing message that the title and subtitle conveyed," she later recalled.

She and her father spoke often about what was required to both earn that smile and find your way to the top.

"As a dark-skinned black girl who was often the only person of color in my class, club, or social environment, my parents knew that it was essential that I develop a sense of my own self worth that was in no way dependent on what others thought about my abilities," Jackson said.

At Palmetto High, Jackson encountered a wide array of students — almost three-quarters White, 16 percent Black and 11 percent Hispanic — but most did not mix much outside their own groups, according to Jackson and several of her friends.

Jackson, though, waded into activities that were heavily dominated by White students. She sang, debated and got involved in theater, even after a drama teacher told her she would not get a role in a play about a White family because she was Black.

For classes and for her speech and debate prep, she hit the books, hard. "While other kids were hanging out late going to parties, I was either writing or rehearsing my speech, or sleeping ahead of a 5 a.m. Saturday morning tournament wake-up call," Jackson recalled in the 2020 speech at the University of Chicago. "That kind of self-discipline and sacrifice ... if I'm being honest, has made me kind of boring, but has also allowed me to have opportunities that my grandparents could not have even dreamed about."

"She didn't waste time," said Nathaniel Persily, a friend and high school classmate who was on the speech and debate team with Jackson. "She wasn't going to be distracted by something like I was, like video games. ... She was personally sort of conservative, more mature in her attitude and outlook on life. I always thought of her as an old soul."

But Jackson was no nerd, her friends said. "We'd go to The Falls," the high-end mall a couple of miles south of Palmetto High down South Dixie Highway, said Denise Lewin Loyd, a high

school friend and, with Jackson, one of the few Black students tracked into honors classes at Palmetto. “We’d go to pool parties. We’d spend a lot of time at each other’s houses, just hanging out. And the beach, of course. Ketanji wasn’t as big on the beach as I was, but we’d go now and then.”

In Palmetto’s honors and Advanced Placement courses, “there were three Black women and one Black guy,” said Loyd, now a professor of business administration and a dean at the University of Illinois Urbana-Champaign. During part of their time at Palmetto, Loyd and Jackson were bussed to the school, many of whose White students lived in fancier neighborhoods closer to the campus.

“We were in different spaces from a lot of our classmates,” Loyd said. “I was driving a 12-year-old Caprice Classic in my senior year, and I was fortunate to have that, and our classmates were in new Camaros. We had a friend that had a swimming pool, a tennis court, and guest quarters on the property, and now I’m like, ‘Do you think their parents were making the same amount of money as ours?’ ”

Jackson nudged her peers to talk about those gulfs in their experience. As a senior in 1988, she joined a Jewish student and a Latino student to lead a school discussion about the divisions that kept Palmetto’s racial and ethnic groups apart.

“If you don’t talk about it, you never deal with it,” Jackson told a Miami Herald reporter covering the event.

People listened because Jackson “had this beaming, energetic, friendly personality and natural charisma,” said Stephen Rosenthal, a close friend who went to school with her from junior high through law school.

At Palmetto and around South Florida, Jackson became “like a living legend in the speech and debate community,” said Rosenthal, now a lawyer in Miami. Friends still recall her soaring renditions of scenes from the plays “Agnes of God” and Neil Simon’s “Fools.”

“She would do these dramatic interpretations, and you would see the judges and the people in the audience literally cry,” said Persily, now a professor at Stanford Law School. “Then she’d do a humorous interpretation and they’d be laughing. She was just ... an incredibly polished speaker.”

Yet Jackson’s success as a nationally ranked orator — she traveled to tournaments on many weekends — didn’t spare her from what some today would dub microaggressions.

At competitions, judges would sometimes pointedly “say to her, ‘I’m sorry, your name is what?’ ” Rosenthal recalled. “And she’d say, ‘Ketanji,’ and articulate it very clearly, and write it on the board. ... She had to confront who she was every time she entered a room like that.”

Growth and a deepening inquiry

In September 1988, on her birthday, Jackson, a freshman at Harvard, found herself alone on the Widener Library steps in Harvard Yard, “wrapped in a scarf, with the hat pulled down over my

head, trying to get through orientation paperwork, and sobbing — because I was in a strange place far from home, because no one knew it was my 18th birthday and certainly no one cared.”

Back in her room, she found a message on her answering machine: Her mother sang her a song, long-distance. “For the first time in 18 years, my mother serenaded me on my birthday,” Jackson recalled in a 2011 graduation speech at Montrose Christian School in Rockville. Comforted, she settled down, assured that her parents “remembered me, believed in me, were praying for me, and wanted me to be successful.”

In short order, she was showing few signs of loneliness. She organized a study group for freshmen in a course called “African-American Women Writers.” She persuaded Rosenthal to join her in auditioning for an improv team, On Thin Ice. They both got in.

She jumped into theater, winning a role as a “doo-wop” girl in “Little Shop of Horrors” during her freshman fall term. (Mo Rocca, now a CBS correspondent and comedian, played the lead role.)

A review in the student newspaper praised the production but was not particularly kind to Jackson, writing that the three members of the musical’s “girl group-style Greek chorus” — including Jackson — “open the show with a rendition of the title song that is more yelled than sung.”

With time, she won bigger roles, culminating in playing jazz legend Billie Holiday in “Yesterdays,” a play with music that Jackson adapted from the singer’s autobiography. A review in the Harvard Crimson called the work “a fresh interpretation of Holiday’s life that manages both to entertain and to challenge the boundaries of theater at Harvard.”

Jackson’s room became something of a salon, a place where Black women found comfort and refuge on a campus where they were few in number, but also a place “where Ketanji brought her very diverse group of friends into conversation,” said Fairfax, now a professor at the University of Pennsylvania law school. “She always told us, ‘You have to talk to different people.’ ”

One evening late in sophomore year, she announced to her roommates, “He’s coming over.” He was Patrick Jackson, a pre-med and math student who was as traditionally Harvard as they come — “quintessential Boston Brahmin,” the judge would say years later in a 2019 speech to a law firm in Washington. “His family can be traced back to England before the Mayflower and has been in Massachusetts for centuries.” Patrick and his identical twin brother were seventh-generation Harvard, she said.

The contrast was stark — Jackson was only the second generation in her family to attend college and, as she said in the talk to the D.C. lawyers, “my ancestors were slaves on both sides.” Her roommates were more than a little suspicious. Jackson hadn’t had a serious boyfriend before. Now this White guy was coming to pick her up for a date.

“We all gave him the side eye,” Simmons said. “We were going, ‘What do they have in common?’ We didn’t want her to get hurt. We wanted to check him out.”

The roommates politely quizzed Patrick Jackson on his family, his goals, his values.

“He passed with flying colors,” Simmons said.

As the couple grew serious, her parents, too, tested the young man. “They were, like, ‘Let me see what you’re coming with,’ ” Simmons recalled. “ ‘Let us see that you understand this is not a colorblind society and you’re going to have Brown children.’ Patrick really demonstrated that he saw things through her eyes and was sincere and amazing and so sweet to her.”

They dated through college and his time at Columbia University’s medical school and hers at Harvard Law. They married in 1996, have two daughters, who are 17 and 21, and live in Upper Northwest Washington. Patrick is a surgeon at MedStar Georgetown University Hospital.

Although she relished her roles as performer and activist, Jackson was most devoted to her classes and her long-term plan to become a lawyer and eventually a judge.

As an undergraduate, she was drawn to the idea that the justice system contained elemental flaws. She wrote her senior thesis on her theory that a court system that funneled the great majority of alleged criminals into plea bargains was denying all parties a full, public airing of what had gone wrong.

For the thesis, titled “The Hand of Oppression: Plea Bargaining Processes and the Coercion of Criminal Defendants,” Jackson read scholarly work but also did on-the-ground reporting (she would spend her first year after college in New York as a reporter at Time magazine) sitting in on judges’ meetings and interviewing 25 judges and lawyers as she interned at the Neighborhood Defender Service of Harlem. She read novels such as Tom Wolfe’s “Bonfire of the Vanities” in search of the raw, emotional realities behind each case file.

Over more than 128 pages, she built an argument that the system pushes many defendants — “coerces” them — into taking pleas. But again and again, she pushed back against her own theory, weighing the benefits of pleas: lesser punishments, speed, and a certainty that no trial can offer.

In the end, Jackson decided it was unfair to push people to plead guilty to crimes they insisted they had not committed: “For the government to be allowed to engage in a prime facie injustice solely for the purposes of maintaining a system that is supposed to be dispensing justice is, to me, not only paradoxical, but also nonsensical.”

Yet she concluded that plea bargaining could not be abolished. “I must be realistic,” she wrote. Pleas were simply “far too prevalent and much too ingrained to be easily dismissed.”

Finding a balance

At law school and in an itinerant early career in which she tried out roles at a public defender’s office, a big law firm and a federal agency, Jackson searched for her place and for a balance between professional success and the strong family life she craved.

At Harvard Law, she won a competition to be an editor on the law review. In a “hothouse of ambitious people,” her colleague Richard C. Schragger said, Jackson “stood out for her consideration of others ... and her kind words to lots of people.”

“She was clearly someone who could talk to anybody and definitely not an ideologue or someone who was pushing a particular agenda,” said Schragger, who teaches at the University of Virginia School of Law.

Fellow Harvard Law Review editor Kimberly Jenkins Robinson, also now a professor of law at U-Va., said Jackson’s election to an editing post was proof that she “had a brilliant legal mind, but she is also someone who is humble and easy to work with.”

At the same time, Jackson did not hesitate to stand up for her political views. In 1997, the Boston Herald published a letter from her complaining that the paper’s columnist Don Feder “is a racist.”

Feder had written a denunciation of U.S. border policy, saying it “would take this nation’s white population from 74 percent today to 53 percent by the middle of the next century,” a change he called “a cause for concern. ... Liberals hate America,” he wrote, and “our history and heritage, which they deem irredeemably evil.”

Jackson’s letter punched back: “To my mind, he’s also like the liberal’s purported view of American history — irredeemably evil.”

But in school and at work, Jackson was better known for quieter responses to antagonism or bias, to civil recitations of facts rather than to scoring rhetorical points.

Ketanji Brown Jackson, left, nominated to be a judge on the U.S. Court of Appeals for the D.C. Circuit, and Candace Jackson-Akiwumi, nominated to the U.S. Court of Appeals for the 7th Circuit, are sworn in for testimony before the Senate Judiciary Committee on April 28, 2021. (Tom Williams/Pool/Getty Images)

One of her law school peers was Ted Cruz, now a Republican senator from Texas, who makes it a habit to aggressively question Democratic nominees for judgeships.

In 2013, when Jackson was before the Senate for confirmation to the U.S. District Court, Cruz pressed her about whether laws should reflect evolving standards in society. He asked whether Jackson expected “that 15 years from now, the use of racial preferences will no longer be necessary” in public higher education.

Jackson noted that the Supreme Court had previously emphasized that “race-conscious admissions policies must be limited in time,” assuming that the law school involved in the case probably could build a diverse student body without using affirmative action policies “in the relatively near future. I have no particular insight into the future need for, or ramifications of, the continued use of race in admissions,” Jackson said.

It was an answer that probably rubbed some of her liberal friends the wrong way, and one that her conservative critics probably did not entirely believe. But it was the path Jackson had chosen at many points in her work — cautious, respectful of precedent.

Last year, at Jackson’s confirmation hearing for her seat on the U.S. Court of Appeals for the D.C. Circuit, Cruz congratulated her on her nomination.

“Good to see you,” he said, and then he voted against her. Cruz declined to comment for this story.

Throughout her career, Jackson has won people over — even those on the other side politically — by exuding optimism and satisfaction with the country’s progress on opening doors for women and minorities.

“Girls like my daughters,” Jackson said in a 2017 speech, “need to learn that they have opportunities in America today, opportunities that don’t exist for girls in many other countries.”

After law school, when Schragger worked with Jackson at a small D.C. law firm, he said she worked easily with people across the political spectrum. The firm, Miller, Cassidy, Larroca & Lewin, was founded by lawyers who had worked in John F. Kennedy’s Justice Department, but also represented former Republican president Richard M. Nixon. Jackson left the firm after a year to begin a clerkship with Supreme Court Justice Stephen G. Breyer, the man she would succeed if confirmed by the Senate.

In later years, while in private practice, Jackson wrote briefs for the libertarian CATO Institute and a conservative Christian civil liberties group, the Rutherford Institute, just as she represented liberal organizations such as the Abortion Access Project of Massachusetts, and NARAL Pro-Choice America. She also serves on the board of Georgetown Day School, a Northwest D.C. private school with a famously liberal roster of parents and board members.

In 2012, when Jackson was nominated by President Barack Obama to serve on the U.S. District Court in D.C., she was introduced to the Senate Judiciary Committee by then-Rep. Paul D. Ryan, the Wisconsin Republican who later became speaker of the House. Ryan is related by marriage to Jackson (Patrick Jackson’s twin brother is married to Ryan’s sister) and Ryan recommended Jackson to senators without reserve:

“Our politics may differ, but my praise for Ketanji’s intellect, for her character, for her integrity, it is unequivocal,” he said. “She is an amazing person.”

Even Ryan’s support couldn’t alleviate Jackson’s anxiety about that confirmation process, which took the better part of a year.

The wait was complicated by the fact that her approval depended on Obama’s winning a second term in the White House. The stress was severe enough that Jackson, who learned to knit scarves to try to relax her nerves, “started so many scarves I could have outfitted a small army,” she recalled in a 2019 talk. On election night, she escaped to Elizabeth Arden’s Red Door Spa, “the one place I knew would have no phones, no Internet and no television access.”

On and off the bench, Jackson continued to walk a line between standing up for principle and practicality.

She spent four years on the bipartisan U.S. Sentencing Commission, which shapes federal sentencing policy.

In 2011, the commission considered whether to retroactively reduce sentencing guidelines for people who were serving prison time for crack cocaine convictions.

Jackson argued that the change was long overdue because sentences for crack possession or sales were much longer than those for powder cocaine — a policy that disproportionately punished African Americans.

The commission estimated that about 12,000 prisoners could petition courts for early release if the potentially reduced sentences were made retroactive.

The disparity had “cast a long and persistent shadow,” Jackson said. “It has spawned clouds of controversy and an aura of unfairness that has shrouded nearly every federal crack cocaine sentence.”

The commission voted unanimously with Jackson.

“Ketanji’s voice rang out with conviction,” said U.S. District Judge Patti Saris, who was chair of the sentencing commission and had once hired Jackson as her law clerk.

Speaking at Jackson’s investiture ceremony when she became a district judge, Saris said, “Judge Jackson will be the kind of judge who blends common sense and pragmatism with this overarching sense of justice.”

Despite her passion for criminal justice reform, friends say Jackson looks for opportunities to demonstrate her fealty to legal precedent and her root trust in the system.

In 2016, she appeared on a slate of university-endorsed candidates for seats on the Harvard Board of Overseers. A renegade group of alumni put up a separate ticket of candidates pledging to abolish undergraduate tuition and to open records to show how the college made admissions decisions.

Jackson and her slate won. The others on her ticket endorsed Harvard’s affirmative action policy in a campaign survey. Jackson was the only candidate who declined to complete the survey; as a judge who might someday have to rule on an affirmative action case, she said she could not discuss her personal views.

“As a judge, I’m certainly no scholar,” Jackson said in a 2017 speech. Rather, she portrays herself as a problem solver who brings to the bench a practical approach stemming from her devotion to the law, her roots in Miami’s Black community and her experience as a performer in theater and debate. If she could win people over on a personal level, she believed, she’d have an honest shot at persuading them on the merits of an argument.

During her stint as a public defender in D.C., Jackson won over colleagues with weekly instant critiques of performers on “American Idol,” said A.J. Kramer, the District’s federal public defender, during Jackson’s swearing-in ceremony.

“What we really missed about her when she left,” he said, “was her talk around the water cooler. Ketanji would come in the next morning after every show ... and she would critique them to

great lengths on their performance the night before. But if you think her fascination with ‘American Idol’ was something, her fascination with ‘Survivor’ is at another level.”