



‘Absolutely shameful’: Tom Cotton condemned for suggesting Ketanji Brown Jackson would defend Nazis at Nuremberg

Arkansas Republican attacks Supreme Court nominee for serving as federal public defender

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Tom Cotton claims Ketanji Brown Jackson 'might have' defended Nazi war criminals

In remarks to the US Senate opposing [Ketanji Brown Jackson](#)'s nomination to the US Supreme Court, Senator [Tom Cotton](#) said the judge “might have” defended Nazis during the Nuremberg trials.

“The last Judge Jackson left the Supreme Court to go to Nuremberg and prosecute the case against the Nazis,” the Arkansas senator said on 5 April, referring to former Justice Robert H Jackson, who was appointed chief counsel in the prosecution of Nazi war criminals.

“This Judge Jackson might have gone there to defend them,” Senator Cotton added.

Republican officials have scrutinised Judge Jackson's record as a federal public defender representing detainees in Guantanamo Bay, Cuba, despite the right of counsel enshrined in the US Constitution. She also did not choose her clients.

During confirmation hearings before the Senate Judiciary Committee, she repeatedly defended the nation's “core constitutional value” that provides even those who have been accused of the most heinous crimes with legal representation.

Senator Cotton's remarks were widely condemned across social media.

“The fact that a brilliant black woman is going to be a Supreme Court judge offends him so much that he doesn't even realize he just came out against due process,” said US Rep Ilhan Omar of Minnesota.

“What a joke,” she added.

The Anti-Defamation League called his remarks “absolutely shameful conduct”.

“To use a Nazi analogy as some sort of twisted way to attack Judge Ketanji Brown Jackson is reprehensible,” the group said. “We’ve said it a thousand times and we’ll say it again: stop trivializing the Holocaust for political gain.”

In his remarks, Senator Cotton claimed without evidence that Judge Jackson “will coddle criminals and terrorists, and she will twist or ignore the law to reach the result that she want.”

“I see... associating defenders of democracy and the rule of law with Nazis. An interesting propaganda point to push right now, where have I heard that recently?” said New York University professor Ruth Ben-Ghiat, a scholar of fascism and authoritarian regimes.

Should she be confirmed as the 116th justice to the nation’s high court, Judge Jackson – in addition to being the first-ever Black woman on the court – will be first ever to have served as a public defender, and the first with significant criminal defence experience since Thurgood Marshall, who retired more than three decades ago.

Meanwhile, public defenders have repeatedly found themselves defending their position and the constitutionality of such defence within the US legal system.

Last summer, more than 50 criminal justice and legal groups wrote Congress asserting that public defender nominees for judgeships were unfairly targeted for criticism compared with former prosecutors or corporate lawyers.

Only 1 per cent of federal appellate judges spent their careers in public defence or as legal aid attorneys, according to the Center for American Progress, and only 8 per cent of all federal judges are former public defenders.

Former president Donald Trump appointed 10 times as many prosecutors as criminal defence attorneys than public defenders to the federal judiciary, according to the Cato Institute.

‘Today, you are my star’: Booker moves Ketanji Brown Jackson to tears during Senate's tribute

“Defence lawyers perform a service, and our system is exemplary throughout the world precisely because we ensure that people who are accused of crimes are treated fairly,” Judge Jackson said during confirmation hearings on 23 March.

While the Senate Judiciary Committee reached a deadlocked vote on party lines to send her nomination to the Senate for a vote, at least three Republican senators are expected to join all 50 Democrats in the evenly divided chamber to secure her seat on the nation’s high court.

Republican Senators Mitt Romney, Lisa Murkowski and Susan Collins have announced their support for Judge Jackson.

The Independent has requested comment from Senator Cotton’s office.