

A LETTER FROM CONSERVATIVES URGING THE SPEEDY CONFIRMATION OF JUDGE
JACKSON TO THE SUPREME COURT OF THE UNITED STATES

March 3, 2022

As lawyers and others who have served in appointed positions in Republican administrations or hold conservative political or legal views, we write to urge the speedy confirmation of Judge Ketanji Brown Jackson to serve on the Supreme Court. Many of us know her personally, have appeared before her, or have served in legal organizations with her. While some of us might differ concerning particular positions she has taken as a judge, we are united in our view that she is exceptionally well-qualified, given her breadth of experience, demonstrated ability, and personal attributes of intellect and character. Indeed, we think that her confirmation on a consensus basis would strengthen the Court and the nation in important ways.

Most obviously, by any standard, her qualifications for the job are at least on a par with any nominee in recent memory. In nearly ten years on the bench, first as a district judge and then on the United States Court of Appeals for the District of Columbia Circuit, Judge Jackson has been involved in thousands of cases running the full range of federal law. Her approximately 500 opinions written during that time have demonstrated complete command of the legal subject matter, a judicious and even-handed approach, and a fine ability to express herself with force and great clarity. They have also demonstrated another attribute essential for a judge – a sense of empathy for the situations of others.

We think that Judge Jackson's performance as a judge – and soon we hope as a justice – has been and will be enhanced by her prior professional experiences. Having been a federal public defender, Judge Jackson will bring a unique and particularly strong background in the field of criminal law, which every Term occupies a significant portion of the Court's docket. Her deep understanding of the criminal process was strengthened further by two terms of service with the United States Sentencing Commission, whose job it is to set equitable guidelines for punishment for federal criminal offenses. Her second stint there as Commission Vice Chair – for which she received her first of three Senate confirmations in 2010 – also allowed her to develop and demonstrate a substantial ability to forge consensus among divergent viewpoints – a critical skill and great asset in the work of a justice. That skill has been evident also in her service on the D.C. Circuit and will greatly benefit the Supreme Court as well

But her pre-judicial legal experience goes far beyond criminal law. Her grasp of the judicial process and appreciation for different approaches was sharpened by three terms of service as a law clerk at all three levels of the federal court system, including as a clerk on the U.S. Supreme Court for the pragmatic outgoing Justice Stephen Breyer. Before her appointment to the Sentencing Commission, she also worked for four prestigious law firms, doing a broad range of civil, criminal, trial and appellate practice.

And looking to the matter of her intellect, Judge Jackson's academic performance at Harvard College, where she graduated magna cum laude, and at Harvard Law School, where she was an editor of the law review, are well known.

The nation has gone through many challenges over the last few years, and some of them have affected the Court itself and its traditional high approval and level of trust in the eyes of the American people. We hope that, for a change, Judge Jackson's confirmation process can be a moment of consensus around a truly excellent person who will add diversity and so much more to the Court. We recognize that many Republican Senators might disagree with many of Judge Jackson's legal views and will be tempted to signal that disagreement by voting against her nomination. But the question for the Senators is not whether this is a nomination that they would make, but whether the President has put forward a nominee well qualified to serve on the Supreme Court. The answer to that question indisputably should be yes. As Paul Ryan said of her when she was nominated for the district court in 2012, "our politics may differ, but my praise for Ketanji's intellect, for her character, for her integrity, is unequivocal." We urge the Republican Senators who have voted to confirm her in the past, and many more, to join us in supporting her nomination.

Donald B. Ayer

Deputy Attorney General 1989-90; Principal Deputy Solicitor General 1986-88

John B. Bellinger III

Legal Advisor, Dept. of State 2005-09; Legal Advisor, National Security Council 2001-05

Richard Bernstein

Phillip Brady

Assist. to the President and Staff Secretary 1991-93; GC, Dept of Transportation 1989-91

Michael Chertoff

Secretary of DHS 2005-09; Assistant Attorney General, Crim. Div. 2001-03

Mickey Edwards

Member of Congress 1977-93; Chair, House Republican Policy Committee 1989-93

John Elwood

Deputy Assistant Attorney General OLC 2005-09, Assist. to the Solicitor General 2002-05

Jonathan S. Feld

Associate Deputy Attorney General 1990-92

Charles Fried

Solicitor General 1985-1989

Stuart M. Gerson

Acting Attorney General 1993; Assistant Attorney General, Civ. Div. 1989-93

John Giraudo

DOJ Office of Legal Counsel 1986-89

Philip Allen Lacovara

Deputy Solicitor General 1972-73; Counsel to Watergate Special Prosecutor 1973-74

Edward J. Larson

University Professor, Pepperdine University; Counsel, Dept. of Education 1982-84

Constance Morella

U.S. Ambassador to OECD 2003-07; Member of Congress 1987-2003

Carter G. Phillips

Assistant to the Solicitor General 1981-84

Alan Charles Raul

Vice Chairman, Privacy and Civil Liberties Oversight Board 2006-08; GC, Dept of Agriculture 1989-93; GC, OMB 1988-89; Assoc. Counsel to President 1986-88

Jonathan C. Rose

Assistant AG OLP 1981-83; Assoc. Deputy AG 1974-77; Special Assist. to President 1969-74

Paul Rosenzweig

Deputy Assist. Secty Policy, DHS 2005-09; Senior Counsel, Whitewater Investigation 1997-2000

Nicholas Rostow

Special Assistant for National Security Affairs to Presidents Reagan and Bush

Robert Shanks

Deputy Assistant Attorney General OLC 1981-84

Christopher Shays

Member of Congress 1987-2009

Larry D. Thompson

Deputy Attorney General 2001-2003; U.S. Attorney N.D. Georgia 1982-86

Stanley A. Twardy

U.S. Attorney D. Connecticut 1985-91

Christie Todd Whitman

Administrator of EPA 2001-03; Governor of New Jersey 1994-2001