

March 2, 2022

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter of Support from Black Law Deans for Judge Ketanji Brown Jackson to Serve as Associate Justice of the United States Supreme Court

We, the Black Deans of U.S. Law schools, write to express our strong and unequivocal support for the Senate’s confirmation of Judge Ketanji Brown Jackson to the Supreme Court of the United States. As leaders in the American legal academy, we believe this confirmation would represent a triumph for this nation. By confirming this honors graduate of Harvard College and Harvard Law School, who has participated in civil cases at the highest levels and has also represented indigent criminal defendants, the Senate will not only add a supremely qualified justice to the Supreme Court, but will also ensure that people from all communities across our nation enjoy the promise emblazoned over the Court architrave that declares “Equal Justice Under Law.”

Bipartisan Support of a Consensus Builder

Judge Ketanji Brown Jackson’s intellect, experience, character, integrity, and dedication to the Constitution and the rule of law have made her a strong consensus builder throughout her career. She has a proven track record of attracting bipartisan support, having been confirmed by a bipartisan vote of the Senate on three separate occasions.

Judge Jackson was confirmed by a voice vote in the Senate after President Obama nominated her in September 2012 to fill a vacancy in the U.S. District Court for the District of Columbia. In April 2021, President Biden nominated Judge Jackson to sit on the U.S. Court of Appeals for the D.C. Circuit, the court that is often regarded as a training ground for the highest court in the land. In June of 2021, Jackson was confirmed for that judgeship with a 53-44 vote in the Senate, gaining the support of Senators Susan Collins, Lindsey Graham, and Lisa Murkowski. Judge Jackson was also Senate confirmed when appointed to the U.S. Sentencing Commission.

Republicans and Democrats have written in support of Judge Jackson. For example, Judge Thomas Griffith said he “always respected her careful approach and agreeable manner,” in support of her nomination to the U.S. Court of Appeals for the D.C. Circuit. These confirmation

votes, and the many who have supported her nominations in the past, are evidence of the fact that Judge Jackson is a strong consensus builder.

Impeccable Credentials

One of the brightest legal minds in the country, Judge Ketanji Brown Jackson boasts a well-rounded set of experiences as an attorney and as a judge that will make her an exceptional Justice. Jackson has excelled in every academic setting. The daughter of parents who graduated from historically Black colleges and universities, academic excellence has been the hallmark of her career. She was student body president of her high school, was an honors graduate from Harvard College and Law School. She was elected to serve as the supervising editor of the prestigious *Harvard Law Review* just a few years after President Barack Obama became the first Black editor elected to serve as president of that organization.

Before ascending to the bench, Judge Jackson was law clerk to three federal judges, including United States Supreme Court Associate Justice Stephen Breyer. She has worked in private practice, and she also has been uniquely committed to public service. Judge Jackson worked to reduce disparities in federal sentencing on the U.S. Sentencing Commission, first as Assistant Special Counsel and then as Vice Chair and Commissioner. Finally, she represented indigent criminal defendants as an Assistant Federal Public Defender.

In 2013, Judge Jackson was appointed to the U.S. District Court for the District of Columbia. During her seven years as a trial judge on that court, she presided over the full range of cases that come before the federal bench. She wrote over 550 opinions to resolve disputes covering a wide range of issues and has been overturned less than a dozen times. In 2021, Judge Jackson was nominated and confirmed to fill the U.S. Circuit Court of Appeals for the D.C. Circuit seat vacated by Attorney General Merrick Garland.

It is fitting that Judge Jackson would replace Justice Breyer as he retires because she served as his judicial law clerk in 1999-2000. Through her clerkship, she honed her great rigor and collaborative skills that also characterize Justice Breyer's approach to the Court's work, and learned from his willingness to work with Justices who hold different viewpoints. Justice Breyer has described Judge Jackson, quite simply, as "brilliant." Yet, he also has praised her "common sense." Judge Jackson stands ready now to bring that brilliance and the breadth of her experience to bear on the Supreme Court.

An Historic Appointment

The appointment of Judge Ketanji Brown Jackson will continue the outstanding legacy of Black women jurists in this country. Since its formation in 1790, 115 justices have been seated on the United States Supreme Court. For nearly two hundred years, all were white men. The first woman was appointed in 1981 when President Ronald Reagan fulfilled his campaign promise by naming Sandra Day O'Connor Associate Justice to the high court. Since that date, only five women have served on the Supreme Court, and none have been Black.

This has not been for a lack of Black women who might have been appointed to the position. In 1872, Charlotte E. Ray graduated from Howard University School of Law and was admitted to the District of Columbia bar, becoming the first Black woman attorney in the United States. In 1939, Jane Matilda Bolin became the first African American woman judge in the United States after graduating from Yale Law School. In 1961, Constance Baker Motley, a graduate of Columbia Law School, argued and won the first of nine cases that she argued before the United States Supreme Court. When Motley rose to represent the plaintiffs in *Hamilton v. Alabama*, 368 U.S.52 (1961), she became the first Black woman to argue before the Supreme Court. Judge Motley became the nation's first Black woman to serve as a federal judge when President Lyndon B. Johnson appointed her to the United States District Court for the Southern District of New York in 1966. And in 1975, Julia Cooper Mack finally became the first woman of color appointed to the federal appellate bench when President Gerald Ford appointed her to the District of Columbia Circuit Court of Appeals. Judge Mack, a Howard University School of Law graduate, wrote over 400 opinions while serving for two decades on that court, and for a time held the record for the highest number of separate opinions written on the court.

We may never know what other legal giants we have missed since Charlotte Ray entered practice in 1872 as the first Black woman lawyer in the United States. However, we do know that now is the time to reverse this omission. We therefore emphatically support President Biden's nomination of Judge Ketanji Brown Jackson, which we hope marks the end to the history of exclusion of an entire group of highly qualified candidates for Supreme Court nomination and opens the door for greater inclusion across the federal judiciary.

A Swift Confirmation

We, the undersigned Black Law Deans, are leaders of the legal academy educating the next generation of lawyers who will serve on our courts, in our legislatures, and in other roles in our justice system. We have signed this letter in our individual capacities, noting our institutional affiliation for identification purposes only. Yet, we are unified in our conviction that Judge Jackson is exceptionally well qualified and well prepared to serve on this nation's highest Court.

Majority leader Chuck Schumer has said Judge Jackson will receive a prompt hearing and will be considered and confirmed "with all deliberate speed." Minority leader Senator McConnell has pledged that Senate Republicans will engage in "the kind of process I think you can be proud of." Judge Jackson and our country deserve a respectful process that focuses on her exceptional qualifications and record on the bench. We therefore urge that you swiftly, and with bipartisan support, confirm Judge Ketanji Brown Jackson as the next Associate Justice of the United States Supreme Court.

Sincerely,

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University Charles Widger School of Law

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